कर रहे हैं उनको फौरन रोका जाए। इसलिए मैं इस हाउस का ध्यान इस तरफ दिलाना चाहता हूं।

THE CONSTITUTION (FORTY-EIGHTH AMENDMENT) BILL, 1983

THE MINISTER OF HOME AFFAIRS (SHRI P. V. NARASIMHA RAO): Sir, I beg to move:

> "That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

Sir, I have great pleasure in moving this Bill. Through this Bill it is proposed to include in the Ninth Schedule of the Constitution, 14 land laws in order to provide them substantial immunity from challenge in a court of law.

Sir, according to article 31B, without prejudice to the generality of the provisions of article 31A, no law or Regulation included in the Ninth Schedule shall be deemed to be void or ever to have become void on the ground that it is inconsistent with or takes away or abridges any Fundamental Rights. This will hold good even if any judgment, decree or order of any court or tribunal has been delivered to the contrary.

The Sixth Five-Year Plan document pleaded for inclusion of land laws in the Ninth Schedule, but it rightly did not call for inclusion of land laws in it as it was neither feasible nor in accordance with the spirit of the Constitution. Sir, as we go along, it will be seen that all the 14 land laws that have been brought under the Ninth Schedule by this Amendment are very useful, and if they are not brought they will be running the risk which will be to the detriment of the valid and legitimate beneficiaries under those laws. That is why, this is being brought. This is absolutely non-controversial.

I commend this Bill for acceptance by the House.

As we go along, I will explain the features.

The question was proposed.

*SHRI DEBENRA NATH BARMAN (West Bengal): Hon. Mr. Deputy Chairman, Sir, the hon. Home Minister has moved the Constitution (Forty-eighth) Amendment Bill, 1984, in the House. The object of this Bill is to include a member of land reform legislations, enacted by various State Legislatures, in the Ninth Schedule to the Constitution so that they may be protected from challenge in the Courts of Law. As we are in favour of land reforms, we support this measure as it attempts to bring land reforms in the country.

First of all, I would like to say that it will not be proper to include the Land Acquisition (Bihar Amendment) Act, 1979 (Bihar Act 2 of 1980) in the Ninth Schedule to the Constitution. I oppose its inclusion in the said schedule. The reason is that it has been discussed many times in this House that the said legislation safeguards the vested interests in Bihar. It means that the said legislation goes contrary to the interests of farmers in that State. I, therefore, oppose the inclusion of that anti-farmer legislation in the Ninth Schedule to the Constitution.

Secondly, I would like to say that fourteen Legislations have been mentioned in the list for inclusion in the Ninth Schedule to the Constitution. It is clear from the list that some legislation was enacted in 1971. Again, some legislation was enacted in 1975 and some in 1976. So, the Government took such a long time to include these legislations in the Ninth Schedule to the Constitution. What was the reason for such a long delay? I hope, the Hon. Minister will throw light on this point.

One legislation in the list was enacted in 1971. But, today, we are

*English translation of the Original speech delivered in Bangla.

in 1984. So, after thirteen years, the Government has woken up to the need of including that legislation in the Ninth Schedule. What is the cause of such an extraordinary delay? The House should be informed about it.

Thirdly, I would like to say that land holders, having surplus land, have taken advantage of the delayed inclusion of Land Reform legislations in the Ninth Schedule to the Constitution. They went to the courts to frustrate the implementation of those land reform legislations. Does the Hon. Minister know how many suits in relation to those land reform measures are still pending with the Courts? I think, the Hon. Minister will inform the House about it.

I would like to refer to this fact that every Five Year Plan document emphasised upon land reforms. In the Sixth Five Year Plan document, a clear direction has been given to the effect that all land reform legislations, enacted by various State Legislatures, should be included in the Ninth Schedule to the Constitution. In spite of such a clear direction in the Sixth Five Year Plan document, why the Government has taken fifteen years to include some land reform legislations in the Ninth Schedule to the Constitution? It amply shows what kind of sympathy the Government has towards land reforms. Besides, only fourteen legislations have found a place in the present Bill. I would like to know from the Hon. Minister whether there are other land reform legislations or not, apart from the said fourteen legislations? If so, why those legislations are not being included in the Ninth Schedule to the Constitution when the Government has an opportunity to do so. What particular weakness prevents the Government from including all those legislations in the Ninth Schedule? We must be told the reason in this regard.

West Bengal Legislature enacted the West Bengal Land Reforms (Second Amendment) Bill in 1980. That Bill is still awaiting the President's assent. I do not know when that Bill will come out of the Central Government file. If that Bill had been assented to by the President and included in the Ninth Schedule to the Constitution, it would have been possible for the State Government to acquire forty lakh acres surplus land. The land-holders acquired that much land through *benami* and through loop-holes in the existing Ceiling Laws.

Sir, it would have benefited forty lakhs families if every landless agricultural labourer had been given at least one acre land. But these forty lakhs families are being deprived of getting land due to the action of the Central Government as the West Bengal Land Reform (Second Amendment) Bill, 1980, has not yet been assented to by the President. It indicates that the Central Government is not sympathetic to the cause of poor landless agricultural labourers. It also indicates that the Central Government is not in favour of implementing land reforms in the country. I can say with all emphasis at my command that the said enactment of West Bengal Legislature is not being assented to by the President on the ground that the Ruling Party at the Centre is friendly to vested interests in West Bengal and it does not want to hurt their class interests. I would request the Hon. Minister to take immediate steps to get the said land reform legislation of West Bengal assented to by the President. He should also see to it that that legislation is included in the Ninth Schedule to the Constitution. The action of the Hon. Minister will enable lakhs of landless agricultural labourers to get lands.

Sir, ours is an agricultural country. Eighty per cent people live here in rural areas. Our economy primarily depends upon agriculture. So, there will never be over-all development

[Shri Debendra Nath Barman]

of the country unless we develop our agriculture but that development of agriculture depends upon proper land distribution. The key to success of the agricultural economy is implementation of land reforms. So, we should go for agrarian revolution, although the word "revolution" will create fear in the minds of the Government.

Land Reforms or agrarian revolution are the only remedies for removing illiteracy, poverty. starvation and want of land from rural areas. The productive capacities of poor, illiterate and landless agricultural labourers are being wasted in our rural areas. The proper land distribution will enable the landless agricultural labourers to utilise their productive capacities. It will increase their purchasing power which will lead to the growth of internal markets. It will also lead to industrial development. Thus, the country will have over-all economic development. It is essential that the Government should give special emphasis upon land distribution and development of agriculture; otherwise. there is no hope for economic development in an agricultural country like ours.

I would request the Hon. Minister to act upon the clear direction that has been given with regard to land reforms in all the Five Year Plan documents. The present Ruling Party was in power in 1971, 1972 and 1974. The Sixth Five Year Plan document was published before 1980. But even then the direction in the Sixth Five Year Plan document regarding inclusion of all land reform legislation in the Ninth Schedule to the Constitution is being ignored till today. I criticise this kind of attitude of the Government. At the same time I demand that the Government should give special emphasis upon land reforms and proper distribution of land in the interests of poor toiling landless agricultural labourers. I hope, the Government will take all determined steps within the limitation of the present Constitution to implement land reforms for the benefit of poor toiling masses.

I want that the Central Government should take early steps in order that the West Bengal Land Reform (Second Amendment) Bill, 1980. may get President's assent along with other land reform Bills which were passed by other State legislatures. Immediate assent to all land reform legislations by the President will advance the cause of land reforms in the country. Many Land reform legislations belong to those States where the Congress (I) Party is ruling and as such the Central Government will make special efforts to see that those legislations are assented to by the President as early as possible.

I hope, Hon. Minister will give proper replies to my criticisms and observations on this Bill. I also demand for the exclusion of the Land Acquisition (Bihar Amendment) Act, 1979 (Bihar Act 2 of 1980) from the Ninth Schedule to the Constitution. I conclude by supporting this Bill.

DR. SHANTI G. PATEL (Maharashtra): Mr. Deputy Chairman. Sir, I rise to support the Bill which has been moved in this House. This Bill seeks to include 14 land reforms laws in the Ninth Schedule. Already 188 laws exist in the Ninth Schedule. Out of these 188, over 150 are laws which cover broadly and generally land reforms. This particular Bill tries to bring in the laws of six States and one Union Territory. The main purpose, as has been explained, is to see that when these laws are implemented. the courts do not come and interfere if somebody raises a point of infringement of a fundamental right. This is a very laudable purpose, for which we support this particular Bill. But the main point which arises is why the Government has taken such a long time to bring in such a progressive legislation. As you know, this gives certain protection to the perons who are going to be allotted land and it

also takes away the so-called rights of certain persons who own land more than the ceiling prescribed under the law. Sir, the Assam Act for example, was passed sometime in 1971. The Bihar Act was passed sometime in 1974. So right up to 1980 these Acts have been passed, but the Government has found time only now to bring in this particular Bill. In spite of the fact that the Sixth Five Year Plan has stated right at the beginning that all such pending Acts would be placed before Parliament and made part of the Ninth Schedule. It is, threfore, a matter of regret that the Government should have take such a long time, which has resulted in avoidable and considerable difficulties to the beneficiaries of these laws.

A number of cases have been filed. I am told that there are about 48.000 writ petitions pending in the courts. About 11,86,667 acres of land is still in dispute. If these laws had been put in the 9th Schedule, at the proper time. probably all these difficulties could have been avoided. Out of the surplus land available which is to the extent of 43.54 lakh acres, what has been taken in possession of and distributed is much less than even 50 per cent. It is to the extent of 20.35 lakh acres of land. The worst part is that still 13.94 lakh acres of land needs to be taken possession of. Therefore, such a large chunk needs to be taken possession of for proper distribution amongst the landless. As I submitted, the laws seek to benefit all these persons who are without land and who are craving for some land to till.

The position is that in spite of the laws there are many landlords who are having big holdings. even to the extent of even 20,000 acres. The State of Bihar with which you are familiar is one of the States where we find that such landlords do exist. They are able to circumvent the provisions of the law in order to see that they reman in possession of such big chunks. So far as the statistics go, there is only a small number of people who own most of the land in this country. They constitute only 5 per cent of the people who are big farmers or landlords and they own 75 per cent of land. The marginal farmers with holdings of and upto 1 acre and small farmers with holdings between 1 and 2 acres, together constitute 70 per cent of the rural household and own only 20 per cent of the land. This is the miserable situation out of which we have got to find a way out.

As you are aware there are *benami* transfers also. There are a number of loopholes in these laws of which advantage is being taken by the landlords. They own big chunks of land. They don't go and till the land. They hire the labour and still live in the days of zamindari. That is how they are operating.

Though it is very desirable and necessary that we have proper land reform laws, but what is more important is to implement these laws. What is important is rigorous and thorough implementation of these laws so that the benefit accrues to those for whom these laws were passed. This has got to be done without any fear or favour. For this, a political will is necessary. I am very sorry to say that that will is lacking. Mere passage of the laws is not enough. I hope that the Government will show that will so that we are able to achieve the purpose for benefiting the poor persons who are working day and night on the land to produce foodgrains and other agricultural items. The idea is to do social justice to them and to have fair play. Unfortunately, this is not what is happening.

If you aim at doing justice and having more agricultural crop. it is very necessary that other facilities like credit, manure and scientific methods are simultaneously made available so that the small and marginal farmers are able to come forward. With these words, I support the Bill.

श्री जगदम्बी प्रसाद यादव (बिहार) : माननीय उपसभापति जी, जहां तक इस बिल के समर्थन की बात है, मैं समझता हूं कि शायद ही हिन्दुस्तान में ऐसा कोई आदमी होगा जो इस भूमि सुधार बिल का समर्थन नहीं करेगा । लेकिन बिहार में जो बिल 74 में बना उसके लिए आज '84 में केन्द्रीय सरकार आगे आई है । एक सीधा सा सवाल उठता है कि दस वर्ष के बाद सरकार का ध्यान क्यों गया । दूसरे जितने भी माननीय सदस्य बोलेंगे वे एक बात पर अवश्य आयेंगे कि सरकार की नीयत, चाहे राज्य सरकार की हो, चाहे केन्द्र सरकार की हो, इस के कार्यान्वियन के लिए साफ है क्या ? जब तक कार्यान्वियन करने की नीयत साफ न हो तब तक कानून कितना भी बने उस से लाभ क्या होगा। ये दो सवाल सब से पहले आते हैं ।

मैं इस भूमि सुधार बिल के विश्लेषण में जाना चाहूंगा । 191, 192, 193 और 194 में से एक बिल के विषय में मैं कहना चाहूंगा कि 194 में जो भूमि अर्जन अधिनियम 1979 (बिहार एक्ट 1980 का) का है इस पर भूमि सुधार का आवरण डाल दिया गया है, लगता है यह भी शायद भूमि सुधार बिल है वास्तव में लैंड एक्वीजीशन एक्ट बिहार का किसानों के अधिकार पर चोट करता है । यह सिर्फ बिहार में ही नहीं है, बल्कि दिल्ली के जो देहात के किसानों की भूमि ली जाती है, अधिग्रहण की जाती है वह पानी के मोल ली जाती है और सोने के मोल बेची जाती है । दिल्ली की बगल में कोई देख सकता है । अगर सौ रुपए गज किसानों की जमीन ली गयी है तो हजारों रुपए गज सरकार ने उसी जमीन को बेचा है । क्या कारण है कि सरकार किसान से उसकी जमीन सौ रुपए में ले और हजार रुपये में बेचे। जिस समय सरकार भूमि को अर्जन करती है उसी समय नोटीफाइड करती है, लेकिन कीमत देते-देते सरकार दस साल बिता देती है और दस साल में जमीन की कीमत सौ रुपए से हजार रुपए हो जाती है, लेकिन हजार रुपए किसान को नहीं मिलते । किसान की जमीन ले ली जाती है लेकिन अनेक जगहों पर देखा गया है कि क्षतिपूर्ति नहीं की गई । उसके पास मालगुजारी के नोटिस आते हैं, उस पर और भी केसेज चलते हैं, सरकार वनवासी क्षेत्र में यह काम बहुत बुरी तरह से होता है और वनवासी इसीलिए भूमि अर्जन के खिलाफ रहते हैं। इसलिए मैं माननीय मंत्री जी से जानना चाहूंगा कि जो भूमि सुधार के बिल हैं उन में एक बिल अर्जन का आप क्यों लाये हैं, वह भूमि सुधार बिल नहीं है ? इसलिए मैं चाहता हूं कि या तो आप इसको इससे निकाल दें या कुछ न कुछ ऐसी बात बताएं जिससे भूमि सुधार की बात हो, न कि सरकार विकास के के नाम पर, किसी आवास के काम के नाम पर किसानों की अच्छी जमीन को ले ले, किसानों के अधिकार को छीन ले, उनको सही तरीके से कम्पैनसेशन न दे । मैं उदाहरण दिल्ली की बगल से देना चाहता हूं । मैं आपके इस बिल का समर्थन करता हूं, लेकिन जो आवरण डाल दिया गया है वह बड़ा कष्टकारक है । इसलिए मैं चाहता हूं कि इस कष्टकारक को निकाल कर विचार करें ।

दूसरी बात मैं यह कहना चाहता हूं कि देहात के ग्रामीण किसान के लिए आप भूमि सुधार कानून लाए है, लाना भी चाहिए, लेकिन किसान संगठित नहीं है, पढ़ा नहीं है, किसान को पूरी जानकारी नहीं है । जो बड़े किसान है—बिहार में ऐसे किसान हैं जिनके पास 18 हजार एकड़ जमीन है और जो बिहार के मंत्रिमंडल में मंत्री है उनके पास

भी 18 हजार, तीन हजार, चार हजार एकड़ जमीन है । इसलिये मैं ने कहा कि नीयत का सवाल है। जब मंत्रिमंडल में ही ऐसे व्यक्ति मौजूद है कि जो अपने पास इतनी जमीन को किसी सूरत से बचाये हुए है और उनके पास से वह जमीन आप निकाल नहीं सकते तो दूसरों पर आप यह भूमि सुधार का कानून कैसे लागू करेंगे । इसी लिये मैंने इसके इंपलीमेंटेशन की बात कही थी । अनेक बार बिहार सरकार के लोग बैठे । हमने उनसे पूछा और व्यक्तिगत रूप से कहा, पूछा कि मुख्य मंत्री जी, क्या आप चाहते हैं कि इस को आप असल में कार्यान्वित करें । अगर ऐसा हो तो हम लोग तहेदिल से आनंदि-- स्पाट जा कर आपको समर्थन देना चाहते हैं । लेकिन आज तक उसके बारे में कोई निर्णय नही हुआ । इसलिये मैं चाहता हूं कि बड़े किसान का विचार तो अवश्य हो लेकिन उसके फेर में छोटा किसान पड़ जाता है और उस का भला नहीं हो पाता । जिन एक किसान के पास पहले 40,50 एकड़ जमीन थी आज उसके बच्चों के पास बंट-बंट कर 2 और चार एकड़ रह गयी है, लेकिन उसका इंदराज दाखिल खारिज में नहीं हुआ । बिहार के लैंड रेकार्डस इतने पुराने हैं कि कुछ कहना नहीं । हमने उनको ठीक कराने के लिये बार-बार आग्रह किया, लेकिन वह हुआ नहीं । केरल में जैसे किसानों के लिये पासबुक की व्यवस्था है वैसी ही आप बिहार में भी करा दे तो सही हिसाब रखा जा सकता है । लेकिन आज तक वह नहीं हुआ । जब तक रेकार्ड आफ राइट ही ठीक नहीं होगा और जमीन दादा से ले कर बेटे और उसके बेटों तक बंटती रहेगी तो हालत कैसे ठीक रह सकती है । शहरों के किसानों की बात तो हम कर लेते है, लेकिन देहात के किसानों के साथ इंसाफ नहीं हो पाता है । इसलिये मैं चाहता हूं कि आप इसके देहात के किसानों ो इंसाफ दें । जमीन के लिये सब को आकर्षण है और हिन्दुस्तान में प्रापर्टी नाम की चीज समाप्त नहीं हुई है । इसलिये सबकी आकांक्षा है कि सबको जमीन मिले । आपने देखा है कि 20 वर्ष के बाद भी भूमिहीन किसान को, जमीन प्राप्त नहीं हो पाती है । इस में भी एक विशेष बात है । बिनोबा जी ने जमीन मांगी और उसका बंटवारा किया । मैं ने उनसे पूछा कि आप जो एक आध एकड़ जमीन किसी भूमिहीन को देते हैं और वह भी जो कि उपजाऊ जमीन नहीं है तो उसके सहारे वे कैसे अपने परिवारों का भरण-पोषण कर पायेंगे । उन्होंने कहा कि मेरे पास उनकी आर्थिक स्थिति ठीक करने की कोई योजना नहीं है । उनके पास थी भी नहीं । लेकिन आप उन छोटे किसानों को आर्थिक रूप से संपन्न बनायें । मैं इस विषय में विस्तार से नहीं जाना चाहता लेकिन इतना जरूर कहना चाहता हूं कि छोटे किसान को जमीन तो जरूर मिले लेकिन उसके स थ ही उस जमीन को एकोनामिकली वायबिल बनाने की भी आप के पास कोई योजना होनी चाहिए । उनके लिये कोई व्यवस्था हो ।

इस के अलावा जो गरीब हरिजनों, आदिवासियों और बन-वासियों की बात कहीं गयी है, उन के लिये भी अभी तक कोई व्यवस्था नहीं हुई है । फारेस्ट कंजर्वेशन ऐक्ट है इकोलाजी के लिये, प्रदूषण को रोकने के लिये, जंगल की रक्षा करने के लिये । यह कानून सब

[श्री जगदम्बी प्रसाद यादव]

ठीक है, लेकिन बनवासी जंगलों पर ही निर्भर रहते है । उन की खेती के लिये, लकड़ी के लिये कोई व्यवस्था नहीं है और उनकी देखभाल नहीं हो रही है । इसलिये बनवासियों के बीच में जो विदेशी मिशनरी लोग है वे उनकी उन्नति के लिये कार्य तो कर रहे हैं लेकिन साथ ही वे उनको अपने देश के विरुद्ध भी खड़ा करना चाहते हैं । यह चिन्ता की बात है । इसलिये जब हम इस कानून को बनायें तो इसकी बारीकी में भी जायें । इस लिये मैं इस कानून का समर्थन करते हुए यह निवेदन करना चाहता हूं कि लैंड एक्वीजिशन ऐक्ट बिहार का जो है उसको अलग करके विचार करें । मैं जानना चाहता हूं कि उसके लिये आप क्या करना चाहते है ताकि आप को आगे परेशानी न हो ।

SHRI VEERSHETTY MOGLAPPA KUSHNOOR (Karnataka): Mr. Deputy Chairman, Sir. I am supporting this Bill, the Forty-eighth. Amendment Bill. Sir, the purpose of this Bill is that those laws which have been framed or passed by the State Legislatures. if they are not according to the provisions of article 31A of the Constitution, all these laws have been protected by this amendment under the Ninth Schedule. Already nearly 188 Acts have been included in the Ninth Schedule and another fourteen laws are also included in the Ninth Schedule. Although it is being included in the Nineth Schedule, there are still a large number of writ petitions pending in the High Courts of the respective States. Now, challenge in the courts is not regarding the validity of the Acts. They are challenging the reasonable assessment of land ceiling. On the basis of other grounds also, a large number of writ petitions are expending. Even in Karnataka High Court, nearly 13000 writ petitons are pending. Since its inception up to May 1983, 17.29 lakh hectares have been declared as surplus land. But how much has been distributed among the landless labourers and the agricultural labourers? Only 7.99 lakh hectares. The Government has taken possession of only 11.73 lakh hectares. It means that there are still 6 to 7 lakh hectares to be distributed among the landless labourers. Between January 1982 and March 1983, 1.32 lakh hectares have been declared surplus. The State Government has taken possession of only 1.1 lakh hectares. It means that due to litigation, many hectares of land is not going to be distributed among the landless labourers. My submission to the hon. Minister is that after including it in the 9th Schedule, we will have to think over how to stop the litigants from going to court. I know Karnatakata very intimately. In the last 7 or 8 years, in Karnataka alone lakhs of acres of surplus land could not be taken possession of. The hon. Home Minister is now piloting the Bill. When he was the Chief Minister, he also introduced progressive land legislation in his own State. When he left, the allotment of land has not been to the extent as it was when he was the Chief Minister. My submission is that the implementation of the laws which have been enacted by the State Government is very tardy and not up to the mark. In order to have the implementation to the satisfaction of the people and the general public, the impendiments which come in the way should be removed. In Karnataka alone, 13000 cases are pending since 1978. They go on remanding the cases to the Tribunals. Even the Tribunals in which all the non-officials and the M.L.As. are Members wanted to dispose of the cases as early as possible. But these writ petitions are taking a long time. They come in the way of distribution of land. As some of my earlier speakers have pointed out, this inclusion in the 9th

Schedule is delayed one. If the Courts declare the laws passed by the States *ultra vires* on the basis of the Constitution, then only the 9th Schedule will come to their resccue. If the laws passed by the States are quashed, then only we can come before the Parliament and include these laws in the 9th Schedule. But if they have not been challenged and if they have not struck down then there is no need to bring these laws under the 9th Schedule. My request to the hon. Minister and the Government will be to think over how to get rid of these writ petitions and how to give speedy justice to the landless labourers.

श्री हुक्मदेव नारायण यादव (बिहार) : उपसभापति महोदय, अभी जब श्री जगदम्बी प्रसाद यादव बोल रहे थे तो उन्होंने यह निवेदन किया था कि भूमि सुधार कानूनों के अलावा जो भूमि अधिग्रहण कानून बिहार का है उस पर भी सरकार विचार करे और इस बात पर भी विचार करे कि जो जमीन गरीबों को दे दी जाती है उसके लिए जो कानून है उसकी नवीं सूची में रखा जाय । लेकिन आप किसानों के साथ ज्यादती या अन्याय मत कीजिये । पटना शहर के आस-पास किसानों से जमीन ले ली गई, लेकिन किसानों के साथ न्याय नहीं किया गया । जो बड़े बड़े जमींदार है, जिनके पास हजारों एकड़ जोत की जमीन है, जो नौकरी भी करते है और जिनकी पहुंच भी ऊपर तक है, उनकी सब बाते मान ली जाती है, लेकिन जो गरीब पिछड़े हुए किसान होते है उनके साथ मनमानी की जाती है । मैं सरकार को इस कानून को नवम् सूची में रखने के लिए धन्यवाद देता हूं और यह कहना चाहता हूं कि जब बिहार में श्री कर्पूरी ठाकुर मुख्य मंत्री थे तो उन्होंने भूमि सरकार कानून को नवम् सूची में रखने के लिए केन्द्रीय सरकार को लिखा था । उस समय इसको नहीं किया गया, लेकिन अब सरकार ने इस प्रक्रिया को चलाया है, इसलिए मैं सरकार को धन्यवाद देता हूं कि भूमि सुधारों के कानून को इस देश में बनाया जरूर गया है, लेकिन उन पर ठीक से अमल नहीं किया गया है । अब आपने यह किया है, इसलिए आपको धन्यवाद देता हूं । जो बड़े बड़े जमींदार है, पूंजीपति है वे कानून पर अमल नहीं होने देते है ।

उपसभापति महोदय, सरकार को धन्यवाद देने के साथ-साथ मैं सरकार पर यह आरोप भी लगाना चाहता हूं कि भूमि सुधारों के कानून बनाने में इस सरकार ने बहुत देरी की है । उस दिन जब श्री सत्यपाल मलिक बोल रहे थे तो जब यह कहा गया कि जमींदारी प्रथा का अन्त उत्तर प्रदेश में श्री चरण सिंह जी ने किया तो उन्होंने कहा कि उस समय चौधरी चरण सिंह कांग्रेस के मंत्री थे । सारे हिन्दुस्तान में कांग्रेस के मंत्रिमंडल थे । आप ने सम्पूर्ण हिन्दुस्तान में भूमि सुधार के कानून क्यों लागू नहीं किये ? क्या कारण है कि उसी कांग्रेस के शासन काल में चौधरी चरण सिंह जी ने, जब वे उत्तर प्रदेश में रेवेन्यू मिनिस्टर थे तो भूमि सुधार का कानून पास किया, लेकिन अन्य राज्यों में आपकी सरकारे यह कानून नहीं बना सकी . . . (**व्यवधान**) आप कहिये कि कुछ नहीं किया । यह बात आप रिकार्ड पर कहिये । कहिये कि उन्होंने उतर प्रदेश में कुछ नहीं किया . . . (**व्यवधान**) ।

श्री रामानन्द यादव (बिहार) : वे तो बड़े बड़े भूमिधरों के पक्षधर हैं ।

श्री राम भगत पासवान (बिहार) श्रीमन् इन्होंने अभी चौधरी चरण सिंह का

[श्री राम भगत पासवान]

जिक्र किया है । जब यहां पर जनता पार्टी का राज था तो हरिजनों को जो जमीन दी गई थी वह जमीन उनसे छीन ली गई । बिहार में यह हुआ है । गरीबों और हरिजनों की जमीन इनके राज में छीन ली गई...(व्यवधान) ।

श्री उपसभापति : इस तरह से बीच में आप लोग टोका-टाकी मत कीजिये । हमारे पास समय बहुत कम है ।

SHRI R. MOHANANRANGAM (Tamil Nadu): Mr. Deputy Chairman, Sir, we have decided in the Business Advisory Committee that we have to finish five Constitution Amendment Bills as well as two more Bills with regard to banking laws. Now, I do not know whether we are going to complete all the work if there are so many interruptions. I think it will be better if the Treasury Benches do not interrupt when the Opposition Members are speaking.

श्री हुक्मदेव नारायण यादव : श्रीमन मैं यह कह रहा था कि एक विदेशी विद्वान श्री लैडजिन्स्की ने यह निष्कर्ष निकाला है... **(व्यवधान)** । यह अंग्रेजी नाम है । आप अंग्रेजी पढ़े है, सुधार कर लीजिये । उन्होंने लिखा है कि भारत में कृषि सुधार के कानून अभी बने है, लेकिन उत्तर प्रदेश में यह कानून कार्यान्वित किया गया है और महत्वपूर्ण उपलब्धि के साथ चल रहा है । इससे यह शिक्षा मिलती है कि भूमि सुधार तभी हो सकता है जब उसे करने की बलवती इच्छा हो । अगर इस अंग्रेजी राइटर की बात आप नहीं समझ पाते तो हिन्दुस्तान की सरकार द्वारा ही नियुक्त आयोग की बात कहता हूं । 1972 में भूमि सुधार की प्रगति के लिये जो कृषि संबंधों से जो 10 सदस्यों का कार्यदल नियुक्त किया गया था, उसने कतिपय विचार व्यक्त किये थे । जिनका सभी उदाहरणों से समर्थन होता है । इस दल के तत्कालीन भूमि सुधार आयुक्त श्री पी० एस० अप्पू अध्यक्ष थे और भारत सरकार ने पी० एस० अप्पू की अध्यक्षता में जो यह कमेटी बनाई थी उस कमेटी ने अपनी रिपोर्ट में सरकार को कहा था और अंत में उस कमेटी ने लिखा है कि :—

> "दृढ़ और स्पष्ट राजनैतिक इच्छा से सभी प्रकार के अभावों और कठिनाइयों पर विजय प्राप्त की जा सकती है और यदि ऐसी इच्छा शक्ति का अभाव हो तो छोटी-छोटी बाधायें भी भारतीय भूमि सुधार के मार्ग में मजबूत अवरोध बन जाती है । इस देश में जो राजनैतिक सत्ता संरचना है उसकी विशेषताओं पर विचार करते हुए यह कहना स्वाभाविक ही है कि वांछनीय राजनैतिक इच्छा शक्ति सुलभ नहीं हो पाई है ।"

यह मैं नहीं लिखता । आप कह दो मैं यह भी कोई गलत बात कह रहा हूं । भारत सरकार के जरिये जो पी० एस० अप्पू की अध्यक्षता में समिति बनी थी उस समिति ने कहा कि आज जो राजनैतिक संरचना है, जो राजनैतिक इच्छा शक्ति है, उस इच्छा शक्ति के अभाव में भूमि सुधार कानून लागू नहीं हो पाये क्योंकि आज का राजनीति समितिवादी विचारों से प्रभावित है । राजनैतिक दलों में सामन्तवादी विचार के लोग ज्यादा हैं जो भूमि सुधार के कानून को लागू करना नहीं चाहते । वे इसके मार्ग में अवरोध पैदा करते हैं । बड़े-बड़े जमीन वाले, बड़े-बड़े जोतदार इसमें घुसे हुए हैं और वे चाहते है कि ये कानून ठीक से लागू न हो पाये । उपसभापति महोदय मैं निवेदन करना चाहता हूं कि भूमि सुधार के संबंध में जितने कानून देश में बने अगर आप चाहते तो

अमल कर सकते थे । मैं फिर आपसे निवेदन करना चाहता हूं कि माननीय चौधरी चरणसिंह जी के ऊपर आप आरोप भले ही लगा दो, लोग कहते हैं कि ये बड़े जमीन वालों के आदमी हैं, उनको कुलक भी कहा जाता है तथाकथित प्रगतिशीलता का दम भरने वाले राजनैतिक दल, कार्यकर्त्ता और नेता कहते हैं कि वे कुलक है । कुलक का आरोप लगाते हैं । माननीय चौधरी चरण सिंह ने अपनी किताब "एकानामिक नाइट मैयर आफ इंडिया, काजेज एण्ड क्यौर" में भारत की आर्थिक स्थिति को स्पष्ट करते हुए लिखा है कि 1947–48 में भारतीय राष्ट्रीय कांग्रेस के नेताओं द्वारा प्रशासित राज्य सरकारों ने देश भर में जमादारी उन्मूलन का निर्णय लिया था । लेकिन उस समय यदि 10 हैक्टेयर या 25 एकड़ से अधिक जमीन जिनके कब्जे में था उन लोगों की जमीन अगर ले ली जाती तो इससे 3 करोड़ 45 लाख 20 हजार एकड़ जमीन सरकार के हाथ में आनी चाहिए थी । मैं पूछना चाहता हूं कि सरकार के हाथ में इतनी भूमि आ गई है क्या ? सरकार इतनी भूमि ले पाई है क्या ? नहीं ले पाई । आपकी सरकार ने जमीन लेने का जो वायदा किया था उसको पूरा नहीं किया । मैं आपसे फिर कहना चाहूंगा कि भारत सरकार ने 9 जुलाई, 1976 को घोषणा की थी कि 43 लाख 97 हजार 5 सौ एकड़ अतिरिक्त भूमि देश में है । उसमें से सरकार ने 20 लाख 25 हजार एकड़ भूमि अतिरिक्त घोषित की और, इसमें से 10 लाख 22 हजार एकड़ भूमि को अधिगृहीत किया और उसमें से 6 लाख 94 हजार 5 सौ एकड़ भूमि के वितरण का काम किया । मैं निवेदन करना चाहता हूं कि जहां आप देश में इतनी अतिरिक्त भूमि निकाल सकते थे, वहां आपने जमीन निकालने का काम नहीं किया । मेरा आप पर सीधा आरोप है कि आपकी नीति भले ही स्पष्ट रही हो, आप गरीबों के लिए भले ही नारा देने वाले रहे हों लेकिन आपकी जमात में श्रीमती इंदिरा गांधी की जमात में ऐसे लोग रहे हैं जो जान-बूझकर भूमि सुधार के कानूनों को लागू नहीं होने देते हैं । ऐसे अधिकारी रहे हैं, ऐसे अफसर रहे हैं, ऐसा उनका मशीनरी रहा है । इस वर्तमान मशीनरी के जरिये सामन्तवाद और पूंजीवाद के गर्भ से जो व्यवस्था पैदा हुई है, इस सामन्तवादी व्यवस्था के गर्भ से पैदा हुई प्रशासनिक व्यवस्था, से राजनैतिक व्यवस्था से कभी भी भूमि सुधार कानून लागू नहीं हो सकते । हरिजनों के बीच जमीन बांटने का काम नहीं हो सकता है ।

अंतिम बात मैं यह कहना चाहूंगा कि जोत की बात तो दूर रही, आज हिन्दुस्तान में बिहार के अंदर हजारों-लाखों ऐसे लोग हैं जिनके पास बसने के लिए जमीन नहीं है । जोत की जमीन तो दूर की बात रही, बास की जमीन तो उनको नहीं मिलती है । उनके घरों में आग लगा दी जाती है उनके घर उजाड़ दिये जाते हैं और उनके बच्चों को जिंदा जला दिया जाता है, उनको आग में फेंक दिया जाता है । फिर भी प्रशासन ऐसे अपराधियों को पकड़ने में असफल रहा है, असक्षम रहा है । मैं आपसे निवेदन करना चाहता हूं कि आप चलें उन इलाकों में, भारत की इस सर्वोच्चसंस्था में मैं मांग करता हूं कि कांग्रेस पार्टी

12 Noon की ओर से कांग्रेस पार्टी के ही पांच एम० पी० की एक कमेटी बनाओ, चलो रोहतास, चलो भोजपुर, चलो औरंगाबाद, चलो गया, चलो बेगुसराय, चलो पुर्णिया, चलो कटिहार और इन बातों की जांच करो.... (**व्यवधान**) अगर चौधरी चरण सिंह का समर्थक (**व्यवधान**) लोक दल का समर्थक एक भी आदमी लोकदल के समर्थक के पास में हदबन्दी कानून से चोरी छिपे

[श्री हुकमदेव नारायण यादव]

एक एकड़ जमीन भी फाजिल निकाल दो तो हुकमदेव नारायण यादव इस राज्य सभा की सदस्यता से इस्तीफा दे देने को तैयार है । मैं यह आरोप लगाता हूं कि* (व्यवधान) 18 हजार एकड़ जमीन का मालिक, आपके दल के नेता... (व्यवधान)

SHRI N. K. P. SALVE (Maharashtra): This is not fair.

MR. DEPUTY CHAIRMAN: This will not go on record.

SHRI N. K. P. SALVE: The hon. Member may eulogize Mr. Charan Singh out of all proportion, but it is very unfair that he should cast aspersions on people in authority in the State.

MR. DEPUTY CHAIRMAN: Please do not mention names.

(Interruptions)

श्री हुकमदेव नारायण यादव : जहां तक* का नाम है, निकाल दीजिए । लेकिन कुरसैला के राजा बाबू रघुवंश नारायण सिंह 18 हजार एकड़ जमीन जोतने वाले, पूर्णिया के राजा अमोल बाबू 20 हजार एकड़ जोतने वाले हैं । क्या उनका नाम भी नहीं लूं ? अमोल बाबू का नाम लेने से आप मुझे रोक नहीं सकते, किस कानून से आप रोकेंगे, रघुवंश बाबू का नाम लेने से कैसे रोक सकते हैं, बोध गया का महन्त 22 हजार एकड़ जमीन जोतने वाला है, संघर्ष वाहिनी के लोग उस पर आन्दोलन चला रहे हैं (व्यवधान)

श्री रामानन्द यादव : उपसभापति महोदय, उन्होंने ऐसे व्यक्ति का नाम लिया है रघुवंश नारायण सिंह जो इस हाऊस के मेम्बर नहीं हैं न असेम्बली के मेम्बर हैं ऐसे व्यक्ति का नाम वे नहीं ले सकते हैं ।

श्री उपसभापति : आपने मिनिस्टर का कहा..... (व्यवधान)

श्री हुकमदेव नारायण यादव : उपसभापति महोदय, आप का नाम* निकाल दें लेकिन रघुवंश नारायण सिंह का नाम, अमोल बाबू में बोध गया के महंत का नाम ले रहा हूं, रामानन्द यादव जी आप भी जानते हैं आप भी वहां गरीबों के समर्थन में गये हैं, मैं इसलिए निवेदन कर रहा था । आखिरी बात कह कर मैं समाप्त कर देता हूं । (व्यवधान) बिहार के अन्दर अपने दल की तरफ से जब मैंने चौधरी चरण सिंह का नाम लिया मैं फिर दोहराना चाहूंगा हूं कि बिहार के अन्दर लोकदल में चौधरी चरण सिंह के दल के एक भी नेता के नाम एक भी समर्थक के नाम या उसके नाना, नाती, पोता, दादा, मौसा, काका, नौकर, चाकर, हाथी, घोड़ा, बिल्ला, कुत्ते के नाम पर से अगर भूमि हदबन्दी कानून से ज्यादा एक एकड़ जमीन निकाल दो तो मैं राज्य सभा की सदस्यता से इस्तीफा देने को तैयार हूं और आपके एक नहीं कांग्रेस (आई) के एक दर्जन लोगों के नाम की लिस्ट मैं पेश करता हूं और प्रधान मंत्री जी से मांग करता हूं क्योंकि श्रीमती इंदिरा गांधी की ईमानदारी और सच्चाई पर मुझे विश्वास है कि मेरी बात की जांच करें । कांग्रेस (आई) के एक दर्जन ऐसे नेता हैं जिन्होंने भूमि चुराने का काम किया है कांग्रेस (आई) को बदनाम करने का काम किया है भूमि सुधार कानून को अमल में लाने से रोका है ऐसे बदमाश पाखंडियों को कांग्रेस पार्टी से निकाल ही न दें बल्कि जेल के अन्दर बन्द करो तब भूमि सुधार कानून लागू करें वरना आपका यह संविधान संशोधन थोथा है ।

SHRI VISHVAJIT PRITHVIJIT SINGH (Maharashtra): Sir, I would like to mention that Chaudhury

*Not recorded.

Charan Singh does not have any land in Bihar. He belongs to Western U.P. All his lands are in the Western U.P. and Haryana. The hon. Member is quite right. There is no land in Bihar. But definitely there is land in U.P. and Haryana. (*Interruptions*).

*SHRI N. RAJANGAM (Tamil Nadu): Mr. Deputy Chairman, Sir, I am grateful to you for giving me this opportunity to participate in the discussion on the Constitution Amendment Bill, on behalf of my party, the All India Anna Dravida Munnetra Kazhagam.

The foremost concern of the distinguished freedom fighters of India was to ensure social and economic equality by implementing land reforms. Two years after our independence, i.e. in 1949 a high level body was constituted to formulate land reform laws. This organisation worked out several schemes for bringing about the much needed reorganisation of land. They were incorporated in the First Five Year Plan. Similarly, the successive Five Year Plans laid the necessary stress on proper land management. The Constitution of India was amended several times. The Bill under discussion may not also be last in this endeavour. The latest amending bll under discussion is an apt illustration of inapt functioning of the Government in regard to implementation of land reform.

All of us in this House repeatedly talk about uplifting the weaker sections of our society. We emphasise the imperative necessity for improving their educational and economic standards. But there is a widening gap between our profession and practice. The laws enacted by the State Assemblies and the Parliament are allowed to remain dormant. The schemes incorporated in the Five Year Plans, from 1st five year plan to 6th five year plan have not been implemented with verve and vigour. The late lamented Pandit Nehru had bemoaned his disappointment and frustration on the floor of this House several times that the fruits of social welfare schemes have not reached the weaker sections of our society.

The land belongs to the common people of our country. The land is an intangible asset. We will all die but the land will remain in fact. In our State, there are traditional stories about land telling the people not to fight among themselves for land which does not belong to any one individual but to the society as a whole. Let not the people become competitive for owning land. Let them not die in that process. They can neither create land nor destroy land.

For the economic growth of Harijans, Scheduled Castes and Scheduled Tribes, from the days of Simon Commission in 1930, there used to be Labour Department. Today the nomenclature is Welfare Department. The objective of this Department was to allot land to the landless.

But what do we see today. 40 families out of 100 are landless. They have no shelter over their heads nor any land under their feet.

This House is the premier representatve body of 70 crores of people. I have no hesitation in talking about my own condition. For 35 years I had done social service. Mahatma Gandhi had come to my school and place three times. I had the fortune of meeting him and talking to him. I was MLA for 15 years; and a Minister for 2½ years. Only three years before, my beloved, leader, Thiru MGR gave me 3 cents of land. Till

*English translation of the original speech delivered in Tamil.

[Shri N. Rajangam]

then, I had no land. I had no house of my own. If this was my condition, you can well imagine the plight of helpless harijans. In a harijan hamlet of 500 houses, 60 per cent to 70 per cent harijans do not own the houses. This Bill also relates to acquisition of land. What is the *modus operandi* of land ceiling laws?

The land owner is given advance notice about acquisition of land. He goes to the Court and the litigation is allowed to linger on for two generations. Thus the provisions of land Ceiling laws are thrown to the winds. The allottee will die and his son will not get the land because of this legal hindrance. What is the use of land ceiling laws? The plethora of laws adorn the Statute Book. We are elected by the people. We put our seal of approval on these laws. Though we give solemn assurances to the people at the time of elections, but after elections we are immuned to the demands of the people. We pass laws for the good of the people, but the benefits do not reach because of laxity in implementing them.

37 years have rolled by and yet we are in the process of amending the Constitution for this purpose. This is my maiden speech and I would not like to go off the track. I would quote from the latest report of Scheduled Castes and Scheduled Tribes Commission—Out of 2 million hectares of land declared surplus only 25 per cent of area has been distributed. Out of the land distributed only 1/3 has gone to the members of Scheduled Castes and Scheduled Tribes. The slow progress has been due to the unsatisfactory implementation of land ceiling laws. This is the sum and substance of my speech also. I demand vigorous implementation of the land laws for the good of the downtrodden people of our country. With these words, I conclude my speech and resume my seat.

SHRI SHANKARRAO NARAYANARAO DESHMUKH (Maharashtra): Sir I would like to support this Constitution Amendment Bill. At the same time, I will not take much time of this august House except for bringing some of the points which concern the farmers as a society.

Sir, we are committed to agrarian reforms and for the last so many years we have been trying to bring these reforms. In order to do that we have to put so many land reform laws in the Ninth Schedule of the Constitution. When a law is put in the Ninth Schedule, it is not justiciable—it is not challenged in a court of law—and for that purpose the Constitution has been amended off and on. Articles 31A, 31B and 31C relate to that.

Now, Sir, the effect these 14 laws which will be put in the Ninth Schedule is that they will not be justiciable. and the place that they are given in the Ninth Schedule is after Entry No 188 but before the Explanation. The Explanation refers to the Rajasthan Tenancy Act and the second proviso to clause (1) of article 31A, Sir, this provision is much more important in the sense that it relates to the farmers who cultivate their lands personally. What has happened recently? There are so many lands which are being cultivated by the farmers themselves. I do not speak about absentee landlords; I do not speak about lands which are not under actual cultivation; I do not speak about lands which are not entered in the land records for agricultural purposes. But I do speak about the lands which are actually cultivated by the farmers. Sir, there are two ceilings nowadays One ceiling is already put into force and that is agricultural land ceiling. By that land ceiling farmers have already been circumscribed, whatever may be the ceiling limit—30 or 40 acres. The second ceiling is urban land

ceiling. With regard to urban land ceiling there is a misconception. It is not the town which is involved under urban land; it is not a particular town or its circumference but, with each agglomeration area there are about 30 to 50 villages coming under the agglomeration area and all those lands in all those villages are under actual cultivation by the farmers. And the irony of fate is that the rate for the compensation of those lands which fall within the agglomeration area is fixed at five rupees per square metre which is a thousand times below the market rate. For that purpose, when we introduce these laws in the Ninth Schedule, we have to take care of the second proviso to article 31A of the Constitution which reads like this:—

"Provided further that where any law makes any provision for the acquisition by the State of any by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto, unless the law relating to the acquisition of such land, building or structure, provides for payment of compensation at a rate which shall not be less than the market value thereof."

In the Constitution this article 31A is included under Fundamental Rights. Therefore, I say that when we put all these laws relating to land reforms in the Ninth Schedule, naturally we have to make a provision that if any land is to be taken out of the ceiling limit, the cultivator would be paid the market value. Therefore, I submit that any law which is in conflict with this Fundamental Right should be considered. That is my submission.

श्री सूरज प्रसाद (बिहार) : महोदय, अभी हम लोगों के सामने जो यह बिल कंस्टीट्यूशनल अमेंडमेंट का है, जिसमें नौवें शेड्यूल में कुछ राज्यों द्वारा पारित कुछ कानूनों को रखने के बारे में, भूमि सुधार के कानून रखने के बारे में है, जाहिर है कि शायद ही इसका कोई आदमी विरोध करेगा । लेकिन देखने में यह आता है कि सरकार ने इन कानूनों को नौवें शेड्यूल में रखने में काफी विलंब किया है । विशेषकर बिहार में जितने भी कानून हैं, 1974 से लेकर 1984 तक, ज्यादातर 1974 में ही पारित हुए, लेकिन अब 1984 में सरकार इसको नौवें शेड्यूल में रखने के लिए यह बिल लाई है । यह विलंब इस बात का द्योतक है कि सरकार इस बीच में चाहती यह थी कि इन कानूनों में जो प्रावधान किए गए हैं, उससे वहां के जो भू-स्वामी हैं, काफी फायदा उठा लें और उन्होंने इससे काफी फायदा उठाया भी । अगर इसे पहले ही नौवें शेड्यूल में रख लेते, तो जाहिर है कि बिहार में जो भू-स्वामी हैं या आसाम या दूसरे राज्यों के हैं, उनको जो नौवें शेड्यूल में इसे न रखने से जो फायदा हुआ, शायद वह नहीं होता । इससे जो सरकार की सामंती पक्षी नीति है, भू-स्वामी पक्षी नीति है, उसका इससे इजहार होता है ।

दूसरी बात मैं यह कहना चाहता हूं कि नौवां शेड्यूल में रखने के बाद भी यह ठीक है कि लोअर-कोर्ट में, डिस्ट्रिक्ट कोर्ट में कोई केस नहीं कर सकता । लेकिन नौवां शेड्यूल में रखने के बाद भी हाईकोर्ट में रिट हो सकती है और हाईकोर्ट में रिट

[श्री सूरज प्रसाद]

होने के कारण से आज पूरे देश के अंदर लाखों एकड़ जमीन रिट में पड़ी हुई हैं । इसलिए मान्यवर, इन कानून को शेड्यूल में रखने के बाद भी जो लाभ होना चाहिए, वह कुछ नहीं होता है । इसलिए मैं सरकार से यह कहूंगा कि अगर सरकार नौवां शेड्यूल में इन कानूनों को रखकर अधिक लाभ उठाना चाहती है, तो उसमें जो एक दोष यह है कि रिट के जरिए भूस्वामी हाईकोर्ट में चले जाते हैं और उससे लाभ उठा लेते हैं, उसे देखें । सरकार अगर चाहती है कि गांव में जो भूमिहीन हैं, उनको कुछ लाभ हो, तो सरकार को यह काम करना चाहिए कि रिट की धारा 226 जो है, उस धारा के दरमियान जो भूस्वामी हाईकोर्ट में चले जाते हैं, उसमें भी संशोधन करें कि कम से कम जो भूमि सुधार के कानून हैं, उन कानूनों के अंदर लेकर हाई कोर्ट में नहीं जाया जा सकता । तभी इससे अधिक लाभ हो सकता है ।

महोदय, जो पंचवर्षीय योजनाएं सरकार की बनी उन योजनाओं के दरमियान सरकार ने यह लक्ष्य रखा कि देश के अंदर जितनी भी जमीन उपलब्ध है, उसका पांच प्रतिशत जमीन हम हदबंदी से फाजिल निकालेंगे ? इसका अर्थ यह हुआ कि 2 करोड़ 15 लाख एकड़ जमीन निकालने का लक्ष्य इसके अंदर था । लेकिन लगता यह है कि छह पंचवर्षीय योजनाओं के बाद भी सरकार ने अभी तक मात्र 42 लाख एकड़ जमीन हदबंदी से फाजिल निकाली है, जिसमें से 20 लाख एकड़ जमीन ही वितरण हुई है और शेष 22 लाख एकड़ जमीन का वितरण बाकी है, जो या तो कोर्ट में फंसी है या सरकार ने उसको बांटा नहीं है । अब छठी पंचवर्षीय योजना जो इस साल समाप्त होने जा रही है, उसमें सरकार ने यह लक्ष्य रखा था कि हम 1982-83 के अंदर भूमि सुधार के कार्यक्रम को पूरा कर लेंगे । इस संबंध में मैं छठी पंचवर्षीय योजना की कुछ बातों को पढना चाहता हूं— अधिकतम सीमा से देशी भूमि के संबंध का कब्जा लेने और वितरण का कार्यक्रम दो वर्ष की अवधि के अदर अर्थात् 1982-83 के अंदर पूरा कर लिया जाएगा और बेसो भूमि को आवंटन कर अनुसूचित जातियों, अनुसूचित जनजातियों के भूमिहीनों को दे दिया जाएगा । मैं सरकार से यह जानना चाहूंगा, कि जब सरकार ने यह लक्ष्य रखा कि 82-83 तक इस कार्य को पूरा कर लेंगे तो सरकार के सामने क्या व्यवधान था जिसकी वजह से अभी तक वह काम पूरा नहीं हुआ ? सरकार को यह बात बतानी चाहिए ।

दूसरी बात मैं यह कहना चाहता हूं कि जमीन बांटी जाती है, पट्टा मिल जाने के बाद भी उस जमीन की बड़े पैमाने पर बेदखली होती है और भूमिहीन जमीन से बेदखल किये जाते हैं । गांव के बड़े-बड़े भू-स्वामी लाठी-गोली के बल पर उनको उस जमीन से बेदखल कर देते हैं और सरकार की जो मशीनरी है जिनको जमीन मिलती है उन की रक्षा करने में असमर्थ रहती है । इसलिए मैं कहना चाहूंगा कि कानून पारित करना एक बात है और उसे लागू करना दूसरी बात है । छठे दशक में भूमि सुधार कानून पारित हुए, 22-24 बरस हो गए हैं, लेकिन हम देखते हैं कि खोदा पहाड़ निकली चुहिया । उस के मुताबिक जमीन प्राप्त नहीं की गयी । 150 लाख एकड़

जमीन निकालने का लक्ष्य रखा, जमीन निकली 42 लाख एकड़ और बंटी 20 लाख एकड़ । खोदा पहाड़ निकली चुहिया वाली बात हुई । क्या कारण है जमीन नहीं मिली । इस के दो कारण बताये गए हैं कि राजनीतिक इच्छा का अभाव है और दूसरा कारण यह है कि नीचे भूमि चाहने वाले जो लोग हैं उनका आन्दोलन नहीं होता । दो ऐसे कारण बताये जा रहे हैं जिनकी वजह से जमीन नहीं निकलती । जब कि नीचे से जो खेत मजदूर हैं जब वे आन्दोलन करते हैं जमीन पाने का तो सरकार की पुलिस, सरकार के दूसरे अधिकारी खेत मजदूरों पर टूट पड़ते हैं । अभी बिहार में 15 जून से 15 अगस्त भूमि के लिए आन्दोलन हुआ, सरकार ने जो कानून पारित किया है, हदबन्दी से फाजिल जमीन जो निकाली गयी है उस का वितरण भूमिहीनों के बीच किया जाना चाहिए। उस के बारे में हुआ क्या ? सरकार ने 144 लगा दी, सरकार ने 107 लगा दी, सरकार ने लोगों को गिरफ्तार कर के जेलों में बन्द कर दिया । छठी पंचवर्षीय योजना का लक्ष्य रहता है कि नीचे से आन्दोलन होना चाहिए ताकि सरकार पर प्रेशर पड़े कि वह कानून को लाये, लेकिन जब आन्दोलन करते हैं तो 144 और 107 के अन्तर्गत लाठी और गोली उन्हें मिलती हैं । सरकार की कथनी एक और करनी दूसरी है। इन कारणों की वजह से भूमि सुधार कानून लागू नहीं होता ।

अन्त में, मैं आप से एक-दो बातें और कहना चाहता हूं कि बंगाल के दो बिल सरकार के पास एसेंट के लिए वर्षों से पेंडिंग हैं । मैं सरकार से जानना चाहूंगा कि उन को एसेंट देने में सरकार को क्या कठिनाई है । बिहार के अन्दर टाटा की जमींदारी थी, हजारों एकड़ जमीन उस के नीचे है, जमींदारी गई लेकिन फिर भी टाटा को अधिकार दे दिया गया है कि वह उस जमीन को लीज कर सकता है । एक तरफ सरकार कहती है कि हमने जमींदारी खत्म कर दी और दूसरी तरफ टाटा की जमींदारी को बरकरार रखने के उद्देश्य से उसे लीज करने का अधिकार देती है । इस से साफ प्रकट होता है कि सरकार टाटा और उस के जैसे बड़े-बड़े भू-स्वामियों के स्वार्थों की रक्षा करने की जिम्मेदारी करने ऊपर लेती है, यद्यपि वह कहती दूसरी बात है ।

प्रधान मंत्री जी ने इकोनामिक एडवाइजरी कमेटी बहाल की है । उनका एक सूत्र यह है—"मेनस्ट्रीम" में यह बात निकली है नार्थ ईस्टर्न रीजन, खासकर बिहार के अन्दर "आप्रेसिव लडलार्डिज्म" और वहां विकास नहीं होता है । अभी यादव जी ने कुछ बातें कहीं बिहार के भू-स्वामियों के बारे में—बुरसल का राजा है, साहू परिवार है, बोध गया के महन्त हैं, जिनके पास हजारों-हजार एकड़ जमीन है । मैं सरकार से कहना चाहूंगा कि क्या सरकार इनकी जमीन को निकलवाने के लिये बिहार सरकार को कहेगी ? और बिहार सरकार के अंदर ऐसे मंत्री हैं—आप ने कहा कि किसी का नाम न लीजिए, इसलिये मैं किसी मंत्री का नाम नहीं लेना चाहता हूं, लेकिन कहना चाहता हूं कि एक हजार एकड़ जमीन वहां एक मंत्री की है जो उन के पास से फाजिल निकली हुई है और वह उस को नहीं दे रहे हैं । इस लिये मैं सरकार से जानना चाहता हूं कि क्या आप बिहार सरकार को आदेश

[श्री सूरज प्रसाद]

देंगे कि जिन मंत्री महोदय के पास यह फाजिल जमीन है वे उस को निकालें ?

श्री रामानन्द यादव : उपसभापति जी, देर आयद दुरुस्त आयद । देर से ही सही, यह कानून आया तो । और इस के आने से आशा है कि जितने भी स्टेट्स में लैंड रिफार्मस ऐक्ट बने हैं वे नये शेड्यूल में आयेंगे और अब उन के इंप्लीमेंटेशन में किसी तरह की बाधा नहीं होगी । मैं इस बिल का तहेदिल से समर्थन करता हूं । आज आजादी हासिल हुए बहुत दिन हो गये और हम ने बड़ी-बड़ी चीजों की उपलब्धि की है । इस उपलब्धि में हम ने लोगों के स्टैंडर्ड को ऊंचा किया है, हम ने उन के लिये अधिक कपड़ा मुहैया किया है हम ने उन के लिये अधिक खाना मुहैया किया है, उनके लिये अधिक दवा दारू की सुविधा की है, उनके लिये अधिक शिक्षा संस्थायें खोली है, अधिक लोगों को नौकरी दी है और देश का सर्वांगीण विकास आजादी हासिल होने के बाद से आज तक हुआ है और देश के रकबे और इस की आबादी को देखते हुए, इसकी समस्याओं को देखते हुए जब हम इन सब को देखते है तो लगता है कि हमारी उपलब्धि किसी वेस्टर्न कंट्री से कम नहीं है । हमारी उपलब्धियां बहुत है लेकिन एक बात है। जहां हमारा मूल सिद्धांत था इकोनोमिक इक्वैलिटी लाना, जो बड़े-बड़े धन्ना सेठ थे उनकी पूंजी को कम करना और गरीब तबके के लोगों को, जो लैंड लेस थे उन के स्टैंडर्ड आफ लिविंग को ऊंचा करना, उन के रहन-सहन के स्तर को ऊंचा करना, आर्थिक विषमता जो आज सारे देश में व्याप्त है उस को कम करना, इस क्षेत्र में हमारी प्रगति बहुत कम हुई है । हम इस आर्थिक विषमता को घटाने में, इनइक्वैलिटी को घटाने में असफल रहे हैं । खास कर जहां लैंड रिफार्म्स का ताल्लुक है, जमीन को लेकर जो विषमता है उस में हम असफल रहे हैं । गांव के एक हिस्से में बसने वाले मार्जिनल किसान लैंड लेस किसान, छोटे किसान उन में और गांव के ही मुट्ठी भर लोगों में जो बड़े किसान हैं और जिन की आबादी बहुत कम है और जो अधिक से अधिक लैंड रखने वाले है उन से बीच में जो विषमता है उसको हम दूर नहीं कर पाये पाये हैं । इस को दूर करने के लिये अनेक राज्य सरकारों ने यद्यपि लैंड रिफार्म्स ऐक्ट पास किये लेकिन उन का इंप्लीमेंटेशन नहीं हुआ । मान्यवर, 1982 और 1983 में छठे फाइव इयर प्लान में यह तय किया किया गया था कि हमारे देश में बहुत सा सरप्लस लैंड जो है उस को हासिल करेंगे और उस को डिस्ट्रिब्यूट करेंगे भूमिहीनों में और स्माल लैंड होल्डर्स में जिन के पास एक या दो एकड़ जमीन है, उनको हम और जमीन देंगे, जो खेती भी करते है और मजदूरी भी करते है । उनमें यह जमीन बांटी जाएगी । लेकिन आज भी देखा गया है कि सरकार ने कितने भी कानून इस संबंध में बनायें उन से जमीन तो निकल नहीं सकी । लैंड सीलिंग ऐक्ट बना, जमींदारी एबालिशन हुआ और कांग्रेस पार्टी को यह क्रेडिट है कि उस ने जमींदारी एबालिशन किया और कुछ जमीन भी हासिल की और उसके बाद बटाईदारी बिल पास किया और जो सरकारी गैर मौरूसी जमीन थी उस को भूमिहीनों में बांटने के लिये ऐक्ट बनाया और भूमिहीन जिस जमीन पर बसे हुए थे उन को उस जमीन का मालिक बनाया और जहां जो बसा था उस को परचा दे दिया । इस सब से फायदा को निश्चित रूप से हुआ लेकिन सब से अधिक जो हमारा फैल्योर हुआ वह बटाईदारी बिल पर हुआ । लैंड सीलिंग

बिल पर बटाईदारी एक्ट पास कर दिया लेकिन इम्प्लीमेंट कहीं नहीं हुआ । अगर सरकार यह बता दे कि एक जगह भी इस बिल को, किसी भी स्टेट में लागू किया गया हो तो मैं समझता हूं बड़ा अच्छा रिकार्ड होगा । लेकिन कहीं भी यह एक्ट लागू नहीं हुआ । यही हालत सीलिंग एक्ट की है। हमारे बिहार राज्य में यह एक्ट पास हुआ था । जमीन भी निकाली गई । आज जो वहां पर मुख्य मंत्री हैं श्री चन्द्रशेखर सिंह जी, वह उन दिनों रेवेन्यू मिनिस्टर थे और बड़ी कड़ाई से, निष्ठा के साथ उन्होंने जमीन को निकाला बड़े-बड़े भूस्वामियों से और उसको बांटने का कोशिश की । आप जानते हैं कि सरकार में जो मुलाजिम हैं यह क्या चाहते है यह कहां से आते है ? यह उस क्लास से आते है जो पैन्टलून आने का गरीबों से प्रतिबद्ध नहीं कर सके हैं और उस क्लास से आते हैं जो बड़े-बड़े लोगों की क्लास है। इन लोगों ने इस एक्ट को इम्प्लीमेंट नहीं करने दिया । जमीन निकाली गई और उसको बांटने की व्यवस्था शुरू हुई लेकिन गरीबों को जमीन नहीं दी गई । किसी तरह से हम लोगों ने 5-6 लाख एकड़ जमीन बांटा लेकिन हुआ क्या कि हमारी सरकार गिर गई और मोरारजी भाई देसाई की सरकार आई। जितनी जमीन हम लोगों ने बांटी थी महन्तों से लेकर , पीठाधीशों से लेकर बड़े-बड़े भूस्वामियों से लेकर उस जमीन को, सारी जमीन को जनता पार्टी के राज्य में इनके लठैतों द्वारा ले जाकर उन पुराने भूस्वामियों को देदो और जिनको जमीन हमने दी थी उनको इससे बेदखल कर दिया । उन लोगों ने रिट पैटिशन दे रखी है । कोर्ट में केसेज पैंडिंग पड़े हैं हैं । आज 11 लाख एकड़ की भूमि के लिये नीचे के कोर्ट से लेकर हाई कोर्ट तक केसेज पैंडिंग पड़े हुए हैं । मैं सरकार से जानना चाहता हूं कि इतने एकड़ जमीन पर जो डिस्प्यूट पड़ा हुआ है जिसको आपने कानूनन निकाल दिया है उनको इस पंजे से कोर्ट के पंजे से छुटाने के लिये सरकार क्या कार्रवाई कर रही है ?

स्माल फार्मर्स, मार्जिनल फार्मर्स के हाथ में जिनके पास एक एकड़ से दो एकड़ जमीन है, ये सारे देश के 20 फीसदी लोग हैं । बाकी जितनी जमीन है वह मुठ्ठी भर 12 परसेंट गांवों में रहने वाले लोग जो हैं उनके हाथ में है। हर स्टेट की यही हालत है। यह लैंडलैस कौन लोग हैं ? यह खासकर हरिजन हैं, छोटे-छोटे बैकवर्डक्लास के लोग हैं धोबी है, मल्लाह हैं पोती हैं लुहार है बढ़ाई हैं । जिनके पास जमीन नहीं है इनका श्रम ही एक साधन है ।

हम लैंडरिफार्म क्यों चाहते हैं ? हम इसलिये चाहते हैं कि देश में अन्न की समस्या न हो । अधिक अन्न पैदा हो । कम जमीन, अधिक उत्पाद, अधिक जमीन कम उत्पाद नहीं चाहते । यह सारा देश मान चुका है । इसलिये लैंड रिफार्म जरूरी है । जमीन का बंटवारा कर दीजिए जमीन का बटवारा करने से यह होगा कि इक्वैलिटी आयेगी, इकोनोमिक इक्वैलिटी आयेगी । जमीन की प्रतिष्ठा भी होती है । आज जिस आदमी के पास चाहे वह किसी भी जाति का हो, अगर गांव में जमीन रखता है तो उसको हर आदमी अपने को तथाकथित ऊंची जाति कहलाने वाला भी खाट पर बैठाता है

श्री सीताराम केसरी (बिहार) : बिल्कुल ठीक कहा ।

श्री रामानन्द यादव : जिसके पास जमीन नहीं है उसको नहीं बैठाता है । इसलिये जमीन का बटवारा बहुत जरूरी है, इकोनोमिक एक्वीलिटी के लिये बहुत जरूरी है, । समाजवाद के लिये देश में अन्न की पैदावार को बढ़ाने के लिये । इन शब्दों के साथ में इस बिल का समर्थन करता हूं और मैं चाहता हूं कि सरकार इसको नाइन्थ शैडयूल में लाने के बाद तत्परता के साथ इसको लागू करे ।

SHRI S. W. DHABE (Maharashtra): Mr. Deputy Chairman, Sir, the Bill is a welcome measure; it has been brought only with an eye on the elections. The land reform policy of the Government has been not to displease the landlords but at the same time, but to give the impression that they are in favour of the landless labour and Harijans. The result of this policy has been that it has neither helped the landlords nor benefited the landless and the agricultural production became the casualty. It has resulted in chaos. It was the intention of the land reform that it will give a fillip to more intensive agriculture and more production of grains. It has been accepted all over the world that small holdings are not profitable. In Japan particularly one acre of land they produce upto 8 tonnes of paddy while in India we produce only 2 tonnes. In China they produce about six tonnes. The objective of land reform policy is to have more production of foodgrains

Many legislations were passed in early 1950 providing for taking over of surplus land and after taking over, various State Governments were required to distribute the same to the landless labour. The Ceiling Acts in various States provided land ceiling varying from 12 to 60 acres barring Rajasthan where it is from 18 to 175 acres. Even after 30 years of passing of these land ceiling legislation after issuance of specific guidelines by the Central Government in 1972, the implementation of the policy and guidelines have merely remained on paper. if you see the figure you will realise that under these legislations total land declared surplus is 42,49,834 acres. Out of this, area taken possession of is 29,37,914 acres and land distributed is 20,71,865 acres. These are the figures as on 1st January, 1984. Even in 1984, 8,60,049 acres of land taken possession by the Government has not been distributed. According to the Sixth Five Year Plan document, out of about 39.35 lakh acres declared surplus in different States, in March 1980, 23.90 lakh have been taken possession of by the States and about 16.97 acres of land have been distributed. Thus in the last four years, what is the position? There is no question of blaming the Janata Government as was done by Shri Ramanand Yadav. After this Government came to power in 1980, hardly additional 6.0 lakh acres of land have been taken possession of . According to the Planning Commission, the total area of potential surplus land which is available for being declared surplus under various land ceiling legislations is 21.51 million acres after allowing for self-cultivation by the owners. The actual land distribution formed 0.5 per cent of the net area. This shows the attitude of the Government towards the land reform policy. The Planning Commission in 1973 has stated that there is a lack of political will in the implementation of land reforms. Even today the ruling party at the Centre shows the same attitude of indifference towards this important programme for development of agriculture. Many States ruled by it have not taken interest in this programme. In Maharashtra when Antulay became Chief Minister, land tribunals were abolished and in 1982-83 against the target of 31,000 acres of land for distribution, hardly 2,400 acres of land were distributed.

in States ruled by other parties like West Bengal and Tamil Nadu, implementation of land reform is much better. In fact there has been always a big gap in the policy pronouncements and actual execution in the domain of land reforms. The precept is one and practice is just the opposite. Sir, the most important reason for the non-implementation of land reforms is the absence of correct and up-to-date records of rights and suitable administrative machinery to implement the reform schemes. If we have a look at the problem, we will find that there is no effective machinery at the grass-roots level to implement the agricultural programmes and for a number of reasons which I have already stated, the State Legislatures have proved ineffective. Twenty lakh acres of land is today in the possession of the Government for distribution and that has not been given to the landlords nor to the landless labour and the State Governments are sitting tight over them. New legislations have been brought forward, but they are not brought under the Ninth Schedule at the appropriate time. From 1971 onwards, so many laws have been enacted and there were 14 such laws which were required to be put under the Ninth Schedule. The present ruling party was in power up to 1977. During these six years, Sir, I would like to know from the honourable Minister what the Government did in this regard and how many years it has to take to get the assent to these Acts. Sir, this is a Bill relating to land reforms. It is a very difficult thing. Now, in this Bill, against No. 194, the Land Acquisition (Bihar Amendment) Act, 1979 (Bihar Act 2 of 1980) has been included. I think Bills dealing with land acquisition are not brought under the land reforms legislation. I do not know what the provisions of this Act are. But, from the name of the Act, it appears that it deals with land acquisition only. But it is not clear whether it is a land acquisition legislation or whether it is a land reforms legislation.

Then, Sir, the question which is very important so far as this Bill is concerned is that merely giving land to the landless people is not enough. It is necessary that the authorities should give necessary assistance to these people for getting agricultural implements and other inputs to make cultivation profitable. As there is no effective machinery for the implementation of the programme of rehabilitation of the landless people, the grants that were set apart remain unutilised and more than sixty per cent of the grants made by the Central Government to the State Governments remain unutilised. So far, land to the agricultural labourers, landless labourers, has been given only for rehabilitation and not for production. So, agricultural production has suffered on this account. In this connection, Sir, I would like to know what the land reforms policy of the Government is and the way in which they are going to implement it. In this Bill which has been brought forward, there are three aspects. Firstly, it does not debar any proceedings being taken to the court. Only the other day, we were discussing the Administrative Tribunals and it was mentioned that about 62,000 cases were pending in various Courts with regard to service matters of Government servants and more than sixteen thousand writ petitions are pending in the various High Courts. Putting this Bill under the Ninth Schedule under article 31B does not prevent the continuance of the writ petitions in the High Courts. You know, Sir, when the Congress (I) Party wanted to amend the Constitution, it set up a Committee and various suggestions were made one of the suggestions made was that the issue of land reform and the implementation of land reforms should be taken out of the purview of the High Courts.

[Shri S. W. Dhabe]

For that purpose, two articles were introduced. We have now two more articles, that is, article 323A and 323B. Now, 323A deals with Administrative Tribunals and 323B deals with tribunals for other matters. Now, clause (d) of article 323B says:

> "land reforms by way of acquisition by the State of any estate as defined in article 31A or of any rights thereunder or the extinguishment or modification of any such rights by way of ceiling on agricultural land or in any other way;".

It means that if Parliament passes a law to this effect, it will exclude the jurisdiction of the High Courts. Therefore, I would like to tell the Government that if at all they are serious about land reforms and their implementation, merely bringing these laws under the Nintn Schedule is not enough and that will not solve the problem. They must pass a suitable legislation under article 323B so that they can exclude the jurisdiction of the High Courts. If Parliament is not sitting, then an Ordinance can be brought forward so that the jurisdiction of the High Courts can be excluded and only one appeal to the Supreme Court could be allowed. I would also like to know from the honourable Minister whether any Bills are pending with the President for his assent and whether they are going to be brought under the Ninth Schedule. Are these the only 14 Acts and there is no other law which has to be brought in the Ninth Schedule?

With these remarks, Sir, I support the Bill.

MR. DEPUTY CHAIRMAN: Hon. Minister, please.

SHRI P. V. NARASIMHA RAO: I am grateful to the hon. Members and all sections of the House for their enthusiastic support to this measure which, as you all know, is very necessary and timely.

Sir, only a few points have been raised which, in my view, need some clarifications.

Number one is in regard to the delay which has been caused in bringing this Bill or similar legislation in the past. I would like to inform the House that, as has been stated, there have been 188 laws brought under the Ninth Schedule so far, out of which about 150 or so are land laws. Now, Sir, imagine each of these laws being brought under the Ninth Schedule by a separate amendment of the Constitution, by a separate amending Bill. We would be having something like 240 amendments of the Constitution so far. This is a situation which needs to be considered. And this gives a wrong picture about how the Constitution is faring in this country. Even the fortieth or the fiftieth amendment that we have had have evoked a lot of criticism, although if you go into the analysis of the amendments of the Constitution you will find that amendments which are really of a substantive nature are around ten in numbers and the others are consequential, and so on. So some kind of bunching had to be done. I have some experience in making these laws and also amending them for inclusion in the Ninth Schedule. This bunching is inevitable because the laws do not come on the same day or in the same year. And it is not necessary that all the laws should be brought in the Ninth Schedule but only such laws which the State Government thinks would be open to certain risks of being set aside by the courts on the basis of their violating Part III of the Constitution. This is a very small area.

Something has been said about litigation and that thousands and thousands of cases are peding. It is true that thousands and thousands of cases are pending before the courts. That the pendency is to be reduced is something which the House, I believe, must have considered, must have debated. But in this case, I would like to say that it is not necessary

that all these cases are pending, all this litigation has arisen, only because of this specific reason of the law being violative of Part III of the Constitution. There may be many other reasons for which litigation would have come up. For instance, there may be questions of fact, there must be questions of law other than the laws covered under Part III of the Constitution. So we cannot say that all this litigation is because of the fact that the laws have not been brought in the Ninth Schedule.

Sir, I would like to say that under these circumstances, whatever expedition could be brought into this process of bringing these laws into the Ninth Schedule has been done. But, maybe, if there is any scope for further improvement, I am sure my colleague in the Ministry concerned would have a look into these issues and it will be accepted wherever it is necessary. Some point has been raised about some Bills from West Bengal pending for the last four years. Now, we have talked about Bills pending for ten years. The question is there is no harm done merely because a Bill is pending. The harm is done when on the basis of this particular objection, on this ground, there is a litigation and a law is likely to be set aside. Only in these cases the State Governments have first to convince the Central Government that this is so, this is indeed so, in the case of given law; only then do we consider them for inclusion in the IX schedule. And this, I know, takes a long time. A State Government thinks that a law is likely to be hit and the Central Government has to satisfy itself in the Ministry concerned that this indeed is the case. Only then does it get into the list of these Bills which are to be brought in the Ninth Schedule and then you wait for the time when there is a respectable bunch, maybe, ten, fifteen, twenty. Then you bring one amendment. As I said, this bunching is absolutely necessary...

SHRI NIRMAL CHATTERJEE (West Bengal): Mr. Minister, there is a misunderstanding West Bengal Bills are not directly related to this amendment. The reference is to the non-granting of Presidential assent for the last four years.

SHRI P. V. NARASIMHA RAO: That precisely is the reason why this should not have been raised. The answer is simple...

SHRI NIRMAL CHATTERJEE: We know; anything can be raised...

SHRI P. V. NARASIMHA RAO: Yes, anything can be raised. That is the fundamental rule of this House. I know. But in connection with this Bill there is no relevance. Maybe, the Minister concerned would give you the reasons why President's assent has not been given or whether it is being given or is in the process of being given. But this is my own submission that it does not belong here in this discussion.

Then, general comments have been made about implementation of land laws. I wish that both the Houses of Parliament had very long and, maybe, frequent, discussions on this part of our social justice legislation. As we all know, something much more exciting comes up all the time and, therefore, these things are relegated to the background. But I would certainly welcome Parliament looking into land reforms. Taking reports from the State Governments, because State Governments are incharge of the implementation, I am sure that in some cases one could come across some reasons to believe that improvement is necessary or improvement is possible. But generalising it is not going to take us anywhere. We know that lakhs and lakhs of acres of land were distributed already to the landless. In one State that I know of, within twenty years or fifteen years, more than twenty lakhs of acres of land belonging to the Government, apart from the ceiling laws, were

[Shri P. V. Narasimha Rao]

distributed. But after fifteen years when we had another land census taken of what happened to all these pieces of land given to several landless people, we found to our dismay that more than 50 per cent of these small holdings had ultimately found their way into the hands of landlords. This is something one has to consider and go into. The State Government have given them these lands. But they are there on paper. The point is that many of these beneficiaries have not become viable. They have not been able to eke out a livelihood from that piece of land. Fifty per cent of them have. I know hundreds of cases where these small pieces of land in the villages have transformed the lives of thousands and thousands of people. We cannot deny that. But at the same time whatever has not been done or could not be done, needs to be done. In one State that I know of, in the distribution of loans from banks, a definite, specific, priority was given to the beneficiaries of those lands which are distributed under the Land Ceiling Act. Now, these are some of the measures which the State 1.00 P. Government should consider. Once priority is given, the person who gets the land under the Land Ceilings Act automatically becomes viable as a result of this priority in getting loans. Now, many such measures could be considered. But it is not for us here to discuss those measures in detail, particularly in connection with this Bill. But, I would very much like all these measures to be considered by the State Governments. I do believe that some of them are being considered but much more is possible if they only continue to apply their minds to it.

Sir, about one Bihar Bill some doubt has been raised. This, I believe is the Land Acquisition Bihar Amendment Act, 1979 (Bihar Act 2 of 1980). I would like to categorically state here that the apprehension which has been expressed about this Act being included in the Ninth Schedule, is not correct. Under the normal Land Acquisition Act, 1884, compensation for land acquired for any public purpose is to be paid at the market rate. On the other hand, the compensation for surplus land acquired under the ceiling law is much less than the prevailing market rate. We all know this. When we made the ceiling laws we say to it that it was not necessary to pay market value as compensation. That would have been absolutely impossible. The reasons for including this law in the IX Schedule are that if the land acquired under the Land Acquisition Act is the subject-matter of a proceeding under the Bihar Ceiling Law, the compensation shall be determined in accordance with the provisions of the ceiling laws and not under the Land Acquisition Act. And this is the ceiling law mind you, this has nothing to do with the small holders who are within the ceiling, and I will also quote the other part of the Constitution in article 31, where it says very clearly. Provided further that where any law makes any provision for the acquisition by the State Government of any State and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto. unless the law relating to the acquisition of such land, building or structure, provides for payment of compensation at a rate which shall not be less than the market value thereof.

So, the small holders are automatically protected both under this and under the main provision of the Constitution. So, the apprehension which has been raised here in this debate has no foundation and I would like to assure the hon. Members that it is

necessary to bring this law in the Ninth Schedule because otherwise every land taken would have had to be paid at the market rate, which is not our intention. Suppose a big landlord's land is being taken under the Land Ceiling Act, and a case is also pending under the Land Acquisition Act in respect of that very land. Now these are come of the tricks in the trade, the man wants the land to be taken under the Land Acquisition Act because there he gets the market value, maybe, he manages his land to be taken under the Land Acquisition Act and by that he escapes the ceiling law. That is number one Number two is that he gets an enormous amount of money by way of compensation because under the Land Acquisition Act he can get that. In order to plug this loophole and in order to see that a big landlord who is a surplus landholder is not enabled to get the market value for his surplus land, this law has been brought into being. So, the moment it is known that he is not a small holder but that he is a surplus land holder, he will not be paid at the market value; and he will be paid only under the land ceiling law whatever compensation is payable under the land ceiling law in Bihar, What is wrong about that? This is absolutely correct and in conformity with social justice. If he is a small landholder, if he has less than the ceiling, then this will not apply, according to article 31 and according to what is contained in this he will get the market value. So, both the things have been taken care of, and I am quite sure, there is nothing for any hon. Member to apprehend in this particular inclusion. These are the points that have been raised.

SHRI S. W. DHABE: Article 323 was amended, about the tribunals, and 323(b) was included, where High Court jurisdiction is excluded.

SHRI P. V. NARASIMHA RAO: Tribunals have been set up under the land ceiling law in many States.

Coming back to the question as to why so many other laws have not been included, as I said, it is not necessary to include all the other laws. There is another point also that after the judgment in Kesvananda Bharti case, this matter had to be looked into again because it is not as definitive as before that mere inclusion in the Ninth Schedule gives a law total immunity. This will have to be examined in each case. It may or may not give total immunity and the Law Ministry have gone into more details and have come to the conclusion that it is not just like a formula that you pass a law and put it in the Ninth Schedule. Therefore, they have expressed the opinion that it is not so automatic as it used to be, particularly after the Kesvananda Bharti case This examination also took some time and, therefore, while the Ministry concerned seems to have said that it is necessary, nevertheless, to include these laws in the Ninth Schedule, the Law Ministry has gone into it in great detail and now they think that those laws which have even the semblance of risk, in their implementation, of being struck down by the courts on the score of being violative of part 3, should be included. That is why. this bunch of 14 laws has been included in this amendment and I commend this for the acceptance of the House.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

The House divided

MR. DEPUTY CHAIRMAN:

Ayes 186
Noes nil

Ayes—186

Akarte Shri Jagannath Sitaram

Aladi Aruna, Shri alias V. Arunachalam

Ali, Shri Syed Rahmat

Allahabadi, Shri Hashim Raza Abidi

Alva, Shrimati Margaret

Amarjit Kaur, Shrimati

Arif, Shri Mohammed Usman
Arun Singh, Shri
Ashwani Kumar, Shri
Banamali Babu, Shri
Bansal, Shri Pawan Kumar
Barman, Shri Debendra Nath
Basavaraju, Shri M.
Basheer, Shri T.
Basumatari, Shri Dharanidhar
Bhardwaj, Shri Ramchandra
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Nand Kishore
Bhattacharjee, Shri Kamalendu
Bhattacharya, Shrimati Ila
Bhim Raj, Shri
Bhuyan, Shri Gaya Chand
Birla, Shri Krishna Kumar
Chakraborty Shri Amarprosad
Chandrasekhar, Shrimati Maragatham
Chatterjee, Prof. (Mrs.) Asima
Chatterjee, Shri Nirmal
Chatterjee, Shri Bhuvenesh
Chavan, Shrimati Premilabai Dajisaheb
Chowdhury, Ram Sewak
Dalwai, Shri Husen
Darbara Singh, Shri
Das, Shrimati Monika
Deori, Shrimati Omem Moyong
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao Narayanrao
Dhabe, Shri S. W.
Dharmavir, Shri
Dhusiya, Shri Sohan Lal
D'Souza, Dr. Joseph Leon
Ganesan, Shri V. C.
Ganeshwar Kusum, Shri
Ghan Shyam Singh, Shri
Ghosh, Shri Dipen
Goswami, Shri Biswa
Govind Das, Shri
Gowda, Shri K. G.
Gupta, Shri Vishwa Bandhu
Gurupadaswamy, Shri M. S.
Handique, Shri Bijoy Krishna
Hanspal, Shri Harvendra Singh
Hanumanthappa, Shri H.
Haq, Shri (Molana) Asrarul
Haridas, Shri C.
Heerachand, Shri D.
Heptulla, Dr (Shrimati) Najma
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jain, Shri J. K.
Jani, Shri Jagadish
Jayalalitha, Miss
John Shri Valampuri
Joseph, Shri O. J.
Joshi, Shri Krishna Nand
Joshi, Miss Kumudben M.
Joshi, Shrimati Sudha Vijay
Kadharsha, Shri M.
Kalita, Shri Bhubaneswar
Kamble, Prof. N. M.
Kar, Shri Ghulam Rasool
Kaul, Shrimati Krishna
Kaushik, Shri M. P.
Kesri, Shri Sitaram
Khan, Shri F. M.
Khan, Shri Khurshed Alam
Khandelwal, Shri Pyarelal
Khaparde, Miss Saroj
Kdwai, Dr. Mohd. Hashim
Krishna Mohan, Shri B.
Kureel, Shri Piare Lall Urf Piare Lall Talib Unnavi
Kushnoor, Shri Veershetty Moglappa
Laxmi Narain, Shri
Lokesh Chandra, Dr.
Maddanna, Shri M.
Mahabir Prasad, Dr.
Mahida, Shri Harisinh Bhagubava

Mahto, Shri Bandhu
Majhi, Shri Prithibi
Makwana, Shri Yogendra
Malaviya, Shri Radhakishan
Malhotra, Shrimati Usha
Malik, Shri Mukhtiar Singh
Malik, Shri Satya Pal
Manhar, Shri Bhagatram
Maran, Shri Murasoli
Matto, Shri Ghulam Rasool
Mazumder, Shri Ramkrishna
Meena, Shri, Dhuleshwar
Mehta, Shri Chimanbhai
Mirdha, Shri Ram Niwas
Mirza Irshadbaig Aiyubbaig, Shri
Mishra, Shri Mahendra Mohan
Mitra, Shri Sankar Prasad
Mittal, Shri Sat Paul
Mohanan, Shri K.
Mohanarangam, Shri R.
Mohapatra, Shri Shyam Sundar
Mohunta, Shri Sushil Chand
Mohanty, Shri Subas
Moopanar, Shri G. K.
Mukherjee, Shrimati Kanak
Mukherjee, Shri Pranab
Naik, Shri G. Swamy
Natha Singh, Shri
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti
Panda, Shri Akshay
Pandey, Shrimati Manorama
Pandey, Shri Sudhakar
Panicker, Shri K. Vasudeva
Paswan, Shri Ram Bhagat
Patel, Shri Ram Pujan
Patel, Dr. Shanti G.
Patel, Shri Vithalbhai Motiram
Patil, Shri Dinkarrao Govindrao
Pattnaik, Shri Sunil Kumar
Paul, Shri Makhan
Pradhan, Shri Badri Narayan
Prajapati, Shri Pravin Kumar
Prasad, Shri K. L. N.
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga
Rafique Alam, Shri
Rai, Shri Kalpnath
Rajagopal, Shri M.
Rajangam, Shri N.
Ramachandran, Shri M. S.
Ramakrishnan, Shri R.
Ramamurthy, Shri Thindivanam K.
Ramanathan, Shri V.
Ramesh Babu, Shri S. B.
Rao, Prof. B. Ramachandra
Rao, Shri R. Sambasiva
Rao, Shri V. C. Kesava
Ratan Kumari, Shrimati
Rathvakoli, Shri Ramsingbhai Pataliyabhai
Ray, Shri Deba Prasad
Razi, Shri Syed Sibtey
Reddy, Shri Adinarayana
Reddy, Shri T. Chandrasekhar
Roshan Lal, Shri
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Sankata Prasad, Dr.
Saring, Shri Leonard Soloman
Sen, Shri Sukomal
Sharma, Shri A. P.
Sharma, Shri Anand
Shukla, Shri Keshavprasad
Siddiqi, Shri Shamim Ahmed
Silvera, Dr. C.
Singh, Shri Bir Bhadra Pratap
Singh, Shrimati Pratibha
Singh, Shri R. K. Jaichandra
Singh, Dr. Rudra Pratap
Singh, Thakur Kamakhya Prasad
Singh, Shri Vishvajit Prithvijit
Singh, Shri Vishwanath Pratap
Sukul, Shri P. N.
Sultan, Shrimati Maimoona
Sultan Singh, Shri

Suraj Prasad, Shri
Swu, Shri Scato
Tariang, Shri Jerlie E.
Thakur Jagatpal Singh
Thakur, Shri Rameshwar
Thangabalu, Shri T.
Valiullah, Shri Raoof
Verma, Shri Shrikant
Verma, Shri Virendra
Yadav, Shri Hukmdeo Narayan
Yadav, Shri Jagdambi Prasad
Yadav, Shri Ramanand

Noes—NIL

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting

MR. DEPUTY CHAIRMAN: Now we shall take up clause by clause consideration of the Bill.

The question is:

"Clause 2 stand part of the Bill."

The House divided.

MR. DEPUTY CHAIRMAN:

Ayes	186
Noes	nil

Ayes—186

Akarte, Shri Jagannath Sitaram
Aladi Aruna, Shri *alias* V. Arunachalam
Ali, Shri Syed Rahmat
Alva, Shrimati Margaret
Amarjit Kaur, Shrimati
Arif, Shri Mohammed Usman
Arun Singh, Shri
Ashwani Kumar, Shri
Banamali Babu, Shri
Bansal, Shri Pawan Kumar
Barman, Shri Debendra Nath
Basavaraju, Shri M.
Basheer, Shri T.
Basumatari, Shri Dharanidhar.
Bharadwaj, Shri Ramchandra
Bhardwaj, Shri Hansraj.
Bhatia, Shri Madan
Bhatt, Shri Nand Kishore
Bhattacharjee, Shri Kamalendu
Bhattacharya, Shrimati Ila
Bhim Raj, Shri.
Bhuyan, Shri Gaya Chand.
Birla, Shri Krishna Kumar.
Chakraborty, Shri Amarprosad
Chandrasekhar, Shrimati Maragatham.
Chatterjee, Prof. (Mrs.) Asima.
Chatterjee, Shri Nirmal
Chaturvedi, Shri Bhuvnesh.
Chavan, Shrimati Premilabai Dajisaheb.
Chowdhury, Ram Sewak.
Dalwai, Shri Husen.
Darbara Singh, Shri
Das, Shrimati Monika.
Deori, Shrimati Omem Moyong
Desai, Shri Jagesh.
Deshmukh, Shri Shankarrao Narayanarao.
Dhabe, Shri S. W.
Dharmavir, Shri
Dhusiya, Shri Sohan Lal
D'Souza, Dr. Joseph Leon
Ganesan, Shri V. C
Ganeshwar Kusum, Shri
Ghan Shyam Singh, Shri
Ghosh, Shri Dipen
Goswami, Shri Biswa
Govind Das, Shri
Gowda, Shri K. G. Thimme
Gupta, Shri Vishwa Bandhu
Gurupadaswamy, Shri M. S
Handique, Shri Bijoy Krishna.
Hanspal, Shri Harvendra Singh
Hanumanthappa, Shri H.
Haq, Shri (Molana) Asrarul
Haridas, Shri C
Heerachand, Shri D.
Heptulla, Dr. (Shrimati) Najma

Islam, Shri Baharul.
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao.
Jain, Shri J. K.
Jani, Shri Jagadish.
Jayalalitha, Miss.
John, Shri Valampuri.
Joseph, Shri O. J.
Joshi, Shri Krishna Nand.
Joshi, Miss Kumudben M.
Joshi, Shrimati Sudha Vijay.
Kadharsha, Shri M.
Kalita, Shri Bhubaneswar
Kamble, Prof. N. M.
Kar, Shri Ghulam Rasool.
Kaul, Shrimati Krishna.
Kaushik, Shri M. P.
Kesri, Shri Sitaram.
Khan, Shri F. M.
Khan, Shri Khurshed Alam.
Khandelwal, Shri Pyarelal.
Khaparde, Miss Saroj.
Kidwai, Dr. Mohd. Hashim.
Krishna Mohan, Shri B.
Kureel, Shri Piare Lall *Urf* Piare Lall Talib Unnavi.
Kushnoor, Shri Veershetty Moglappa
Laxmi Narain, Shri.
Lokesh Chandra, Dr.
Maddanna, Shri M.
Mahabir Prasad, Dr.
Mahida, Shri Harisinh Bhagubava.
Mahto, Shri Bandhu.
Majhi, Shri Prithibi.
Makwana, Shri Yogendra.
Malaviya, Shri Radhakishan.
Malhotra, Shrimati Usha.
Malik, Shri Mukhtiar Singh.
Malik, Shri Satya Pal.
Manhar, Shri Bhagatram.
Maran, Shri Murasoli.
Matto, Shri Ghulam Rasool.
Mazumder, Shri Ramkrishna.
Meena, Shri, Dhuleshwar.
Mehta, Shri Chimanbhai
Mirdha, Shri Ram Niwas
Mirza Irshadbaig Aiyubbaig, Shri.
Mishra, Shri Mahendra Mohan.
Mitra, Shri Sankar Prasad.
Mittal, Shri Sat Paul.
Mohanan, Shri K.
Mohanarangam, Shri R.
Mohapatra, Shri Shyam Sundar.
Mohunta, Shri Sushil Chand.
Mohanty, Shri Subas.
Moopanar, Shri G K.
Mukherjee, Shrimati Kanak.
Mukherjee, Shri Pranab.
Naik, Shri G. Swamy.
Natha Singh, Shri.
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti.
Panda, Shri Akshay.
Pandey, Shrimati Manorama.
Pandey, Shri Sudhakar.
Panicker, Shri K. Vasudeva.
Paswan, Shri Ram Bhagat.
Patel, Shri Ram Pujan.
Patel, Dr. Shanti G.
Patel, Shri Vithalbhai Motiram.
Patil, Shri Dinkkarrao Govindrao.
Pattnaik, Shri Sunil Kumar.
Paul, Shri Makhan.
Pradhan, Shri Badri Narayan.
Prajapati, Shri Pravin Kumar.
Prasad, Shri K. L. N.
Quasem, Shri Mostafa Bin.
Radhakrishna, Shri Puttapaga.
Rafique Alam, Shri.
Rai, Shri Kalpnath.
Rajagopal, Shri M.
Rajangam, Shri N.
Ramachandran, Shri M. S.
Ramakrishnan, Shri R.
Ramamurthy, Shri Thindivanam K.
Ramanathan, Shri V.
Ramesh Babu, Shri S. B.

Rao, Prof. B. Ramachandra.
Rao, Shri R. Sambasiva.
Rao, Shri V. C. Kesava.
Ratan Kumari, Shrimati.
Rathvakoli, Shri Ramsingbhai Patali-yabhai.
Ray, Shri Deba Prasad.
Razi, Shri Syed Sibtey.
Reddy, Shri Adinarayana.
Reddy, Shri T. Chandrasekhar.
Roshan Lal, Shri.
Sahu, Shri Rajni Ranjan.
Sahu, Shri Santosh Kumar.
Salve, Shri N. K. P.
Sankata Prasad, Dr.
Saring, Shri Leonard Soloman.
Sen, Shri Sukomal.
Sharma, Shri A. P.
Sharma, Shri Anand.
Shukla, Shri Keshavprasad.
Siddiqi, Shri Shamim Ahmed.
Silvera, Dr. C.
Singh, Shri Bir Bhadra Pratap.
Singh, Shrimati Pratibha.
Singh, Shri R. K. Jaichandra.
Singh, Dr. Rudra Pratap.
Singh, Thakur Kamakhya Prasad.
Singh, Shri Vishvajit Prithvijit.
Singh, Shri Vishwanath Pratap.
Sukul, Shri P. N.
Sultan, Shrimati Maimoona.
Sultan Singh, Shri.
Suraj Prasad, Shri.
Swu, Shri Scato.
Tariang, Shri Jerlie E.
Thakur Jagatpal Singh.
Thakur, Shri Rameshwar.
Thangabalu, Shri T.
Valiullah, Shri Raoof.
Varadaraj, Shri G.
Verma, Shri Shrikant.
Verma, Shri Virendra.
Yadav, Shri Hukmdeo Narayan.
Yadav, Shri Jagdambi Prasad.
Yadav, Shri Ramanand.

Noes—Nil

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting

Clause 2 was added to the Bill

MR. DEPUTY CHAIRMAN: The question is:

"That Clause 1, the Enacting Formula and the Title be added to the Bill."

The House divided.

MR. DEPUTY CHAIRMAN:

Ayes.....186
Noes.....Nil

Ayes—186

Akarte, Shri Jagannath Sitaram
Aladi Aruna, Shri *alias* V. Arunachalam.
Ali, Shri Syed Ahmat
Allahabadi, Shri Hashim Raza Abidi.
Alva, Shrimati Margaret.
Amarjit Kaur, Shrimati.
Arif, Shri Mohammed Usman.
Arun Singh, Shri.
Ashwani Kumar, Shri.
Banamali Babu, Shri.
Bansal, Shri Pawan Kumar.
Barman, Shri Debendra Nath.
Basavaraju, Shri. M.
Basheer, Shri T.
Basumatari, Shri Dharanidhar.
Bharadwaj, Shri. Ramchandra.
Bhardwaj, Shri Hansraj.
Bhatia, Shri Madan.
Bhatt, Shri Nand Kishore.
Bhattacharjee, Shri Kamalendu
Bhattacharya, Shrimati Ila.
Bhim Raj, Shri.
Bhuyan, Shri Gaya Chand.
Birla, Shri Krishna Kumar.

Ayes—186

Chakraborty, Shri Amarprosad.
Chandrasekhar, Shrimati Maragatham
Chatterjee, Prof. (Mrs.) Asima.
Chatterjee, Shri Nirmal.
Chaturvedi, Shri Bhuvnesh.
Chavan, Shrimati Premilabai Dajisaheb.
Chowdhury, Ram Sewak.
Dalwai, Shri Husen.
Darbara Singh, Shri.
Das, Shrimati Monika.
Deori, Shrimati Omem Moyong.
Desai, Shri Jagesh.
Deshmukh, Shri Shankarrao Narayanarao.
Dhabe, Shri S. W.
Dharmavir, Shri.
Dhusiya, Shri Sohan Lal.
D'Souza, Dr. Joseph Leon.
Ganesan, Shri V. C.
Ganeshwar Kusum, Shri.
Ghan Shyam Singh, Shri.
Ghosh, Shri Dipen.
Goswami, Shri Biswa.
Govind Das, Shri.
Gowda, Shri K. G. Thimme.
Gupta, Shri Bishwa Bandhu
Gurupadaswamy, Shri M. S.
Handique, Shri Bijoy Krishna.
Hanspal, Shri Harvendra Singh.
Hanumanthappa, Shri H.
Haq, Shri (Molana) Asrarul.
Haridas, Shri C.
Heerachand, Shri D.
Heptulla, Dr. (Shrimati) Najma.
Islam, Shri Baharul.
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jain, Shri J. K.
Jani, Shri Jagadish.
Jayalalitha, Miss.
John, Shri Valampuri.
Joseph, Shri O. J.
Joshi, Shri Krishna Nand.
Joshi, Miss Kumudben M.
Joshi, Shrimati Sudha Vijay.
Kadharsha, Shri M.
Kalita, Shri Bhubaneswar.
Kamble, Prof. N. M.
Kar, Shri Ghulam Rasool.
Kaul, Shrimati Krishna.
Kaushik, Shri M. P.
Kesri, Shri Sitaram.
Khan, Shri F. M.
Khan, Shri Khurshed Alam.
Khandelwal, Shri Pyarelal.
Khaparde, Miss Saroj.
Kidwai, Dr. Mohd. Hashim.
Krishna Mohan, Shri B.
Kureel, Shri Piare Lall *Urf* Piare Lall Talib Unnavi.
Kushnoor, Shri Veershetty Moglappa.
Laxmi Narain, Shri.
Lokesh Chandra, Dr.
Maddanna, Shri M.
Mahabir Prasad, Dr.
Mahida, Shri Harisinh Bhagubava.
Mahto, Shri Bandhu.
Majhi, Shri Prithibi.
Makwana, Shri Yogendra.
Malaviya, Shri Radhakishan.
Malhotra, Shrimati Usha
Malik, Shri Mukhtiar Singh.
Malik, Shri Satya Pal.
Manhar, Shri Bhagatram.
Maran, Shri Murasoli.
Matto, Shri Ghulam Rasool.
Mazumder, Shri Ramkrishna
Meena, Shri, Dhuleshwar.
Mehta, Shri Chimanbhai.
Mirdha, Shri Ram Niwas.
Mirza, Irashadbaig Aiyubbaig, Shri
Mishra, Shri Mahendra Mohan.
Mitra, Shri Sankar Prasad.
Mittal, Shri Sat Paul.
Mohanan, Shri K.
Mohanarangam, Shri R.

Mohapatra, Shri Shyam Sundar.
Mohunta, Shri Sushil Chand.
Mohanty, Shri Subas.
Moopanar, Shri G. K.
Mukherjee, Shrimati Kanak.
Mukherjee, Shri Pranab.
Naik, Shri G. Swamy
Natha Singh, Shri.
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti.
Panda, Shri Akshay.
Pandey, Shrimati Manorama.
Pandey, Shri Sudhakar.
Panicker, Shri K. Vasudeva.
Paswan, Shri Ram Bhagat.
Patel, Shri Ram Pujan.
Patel, Dr. Shanti G.
Patel, Shri Vithalbhai Motiram.
Patil, Shri Dinkarrao Govindrao.
Pattnaik, Shri Sunil Kumar.
Paul, Shri Makhan.
Pradhan, Shri Badri Narayan.
Prajapati, Shri Pravin Kumar.
Prasad, Shri K. L. N.
Quasem, Shri Mostafa Bin.
Radhakrishna, Shri Puttapaga.
Rafique Alam, Shri.
Rai, Shri Kalpnath.
Rajagopal, Shri M.
Rajangam, Shri N.
Ramachandran, Shri M. S.
Ramakrishnan, Shri R.
Ramamurthy, Shri Thindivanam K.
Ramanathan, Shri V.
Ramesh Babu, Shri S. B.
Rao, Prof. B. Ramachandra.
Rao, Shri R. Sambasiva.
Rao, Shri V. C. Kesava.
Ratan Kumari, Shrimati.
Rathvakoli, Shri Ramsingbhai Pataliyabhai.
Ray, Shri Deba Prasad.
Razi, Shri Syed Sibtey.
Reddy, Shri Adinarayana.
Reddy, Shri T. Chandrasekhar.
Roshan Lal, Shri.
Sahu, Shri Rajni Ranjan.
Sahu, Shri Santosh Kumar.
Salve, Shri N. K. P.
Sankata Prasad, Dr.
Saring, Shri Leonard Soloman.
Sen, Shri Sukomal.
Sharma, Shri A. P.
Sharma, Shri Anand.
Shukla, Shri Keshavprasad.
Silvera, Dr. C.
Singh, Shri Bir Bhadra Pratap.
Singh, Shrimati Pratibha.
Singh, Shri R. K. Jaichandra.
Singh, Dr. Rudra Pratap.
Singh, Thakur Kamakhya Prasad.
Singh, Shri Vishvajit Prithvijit.
Singh, Shri Vishwanath Pratap.
Sukul, Shri P. N.
Sultan, Shrimati Maimoona.
Sultan Singh, Shri.
Suraj Prasad, Shri.
Swu, Shri Scato.
Tariang, Shri Jerlie E.
Thakur Jagatpal Singh.
Thakur, Shri Rameshwar.
Thangabalu, Shri T.
Valiullah, Shri Raoof.
Varadaraj, Shri G.
Verma, Shri Shrikant.
Verma, Shri Virendra.
Yadav, Shri Hukmdeo Narayan.
Yadav, Shri Jagdambi Prasad.
Yadav, Shri Ramanand.

Noes—NIL

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 1, *the Enacting Formula and the Title were added to the Bill.*

SHRI P. V. NARASIMHA RAO: Sir, I move :

"That the Bill be passed."

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The House divided

MR. DEPUTY CHAIRMAN:

Ayes....186

Noes....Nil

Ayes—186

Akarte, Shri Jagannath Sitaram
Aladi Aruna, Shri alias V. Arunachalam
Ali, Shri Syed Rahmat
Allahabadi, Shri Hashim Raza Abidi
Alva, Shrimati Margaret
Amarjit Kaur, Shrimati
Arif, Shri Mohammed Usman
Arun Singh, Shri
Ashwani Kumar, Shri
Banamali Babu, Shri
Bansal, Shri Pawan Kumar
Barman, Shri Debendra Nath
Basavaraju, Shri M.
Basheer, Shri T.
Basumatari, Shri Dharanidhar
Bharadwaj, Shri Ramchandra
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Nand Kishore
Bhattacharjee, Shri Kamalendu
Bhattacharya, Shrimati Ila
Bhim Raj, Shri
Bhuvan, Shri Gaya Chand
Birla, Shri Krishna Kumar
Chakraborty, Shri Amarprosad
Chandrasekhar, Shrimati Maragatham
Chatterjee, Prof. (Mrs.) Asima
Chatterjee, Shri Nirmal
Chaturvedi, Shri Bhuvnesh
Chavan, Shrimati Premilabai Dajisaheb
Chowdhury, Ram Sewak
Dalwai, Shri Husen
Darbara Singh, Shri
Das, Shrimati Monika
Deori, Shrimati Omem Moyong
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao Narayanarao
Dhabe, Shri S. W.
Dharmavir, Shri
Dhusiya, Shri Sohan Lal
D'Souza, Dr. Joseph Leon
Ganesan, Shri V. C.
Ganeshwar Kusum, Shri
Ghan Shyam Singh, Shri
Ghosh, Shri Dipen
Goswami, Shri Biswa
Govind Das, Shri
Gowda, Shri K G. Thimme
Gupta, Shri Vishwa Bandhu
Gurupadaswamy, Shri M. S.
Handique, Shri Bijoy Krishna
Hanspal, Shri Harvendra Singh
Hanumanthappa, Shri H.
Haq, Shri (Molana) Asrarul
Haridas, Shri C.
Heerachand, Shri D.
Heptulla, Dr. (Shrimati) Najma
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jain, Shri J. K.
Jani, Shri Jagadish
Jayalalitha, Miss
John, Shri Valampuri
Joseph, Shri O. J.
Joshi, Shri Krishna Nand
Joshi, Miss Kumudben M.
Joshi, Shrimati Sudha Vijay.
Kadharsha, Shri M.
Kalita, Shri Bhubaneswar
Kamble, Prof. N. M.
Kar, Shri Ghulam Rasool
Kaul, Shrimati Krishna
Kaushik, Shri M. P.
Kesri, Shri Sitaram

Khan, Shri F. M.
Khan, Shri Khurshed Alam
Khandelwal, Shri Pyarelal
Khaparde, Miss Saroj
Kidwai, Dr. Mohd. Hashim
Krishna Mohan, Shri B.
Kureel, Shri Piare Lall Urf Piare Lall Talib Unnavi
Kushnoor, Shri Veershetty Moglappa.
Laxmi Narain, Shri
Lokesh Chandra, Dr.
Maddanna, Shri M.
Mahabir Prasad Dr.
Mahida, Shri Harisinh Bhagubava
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Makwana, Shri Yogendra
Malaviya, Shri Radhakishan
Malhotra, Shrimati Usha
Malik, Shri Mukhtiar Singh
Malik, Shri Satya Pal
Manhar, Shri Bhagatram
Maran, Shri Murasoli
Matto, Shri Ghulam Rasool
Meena, Shri, Dhuleshwar
Mehta, Shri Chimanbhai
Mirdha, Shri Ram Niwas
Mirza Irshadbaig Aiyubbaig, Shri
Mishra, Shri Mahendra Mohan
Mitra, Shri Sankar Prasad
Mittal, Shri Sat Paul
Mohanan, Shri K.
Mohanarangam, Shri R.
Mohapatra, Shri Shyam Sundar
Mohunta, Shri Sushil Chand
Mohanty, Shri Subas
Moopanar, Shri G. K.
Mukherjee, Shrimati Kanak
Mukherjee, Shri Pranab
Naik, Shri G. Swamy
Natha Singh, Shri
Pachouri, Shri Suresh
Pahadia. Shrimati Shanti
Panda, Shri Akshay
Pandey, Shrimati Manorama
Pandey, Shri Sudhakar
Paswan, Shri Ram Bhagat
Panicker, Shri K. Vasudeva
Paswan, Shri Ram Bhagat
Patel, Shri Ram Pujan
Patel, Dr. Shanti G.
Patel, Shri Vithalbhai Motiram
Patil, Shri Dinkarrao Govindrao
Pattnaik, Shri Sunil Kumar
Paul, Shri Makhan
Pradhan, Shri Badri Narayan
Prajapati, Shri Pravin Kumar
Prasad, Shri K. L. N.
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga
Rafique Alam, Shri
Rai, Shri Kalpnath
Rajagopal, Shri M.
Rajangam, Shri N.
Ramachandran, Shri M. S.
Ramakrishnan, Shri R.
Ramamurthy, Shri Thindivanam K.
Ramanathan, Shri V.
Ramesh Babu, Shri S. B.
Rao, Prof. B. Ramachandra
Rao, Shri R. Sambasiva
Rao, Shri V. C. Kesava
Ratan Kumari, Shrimati
Rathvakoli, Shri Ramsingbhai Pataliyabhai
Ray, Shri Deba Prasad
Razi, Shri Syed Sibtey
Reddy, Shri Adinarayana
Reddy, Shri T. Chandrasekhar
Roshan Lal, Shri
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Sankata Prasad, Dr.
Saring, Shri Leonard Soloman
Sen, Shri Sukomal

Sharma, Shri A. P.
Sharma, Shri Anand
Shukla, Shri Keshavprasad
Siddiqi, Shri Shamim Ahmed
Silvera, Dr. C.
Singh, Shri Bir Bhadra Pratap
Singh, Shrimati Pratibha
Singh, Shri R. K. Jaichandra
Singh, Dr. Rudra Pratap
Singh, Thakur Kamakhya Prasad
Singh, Shri Vishvajit Prithvijit
Singh, Shri Vishwanath Pratap
Sukul, Shri P. N.
Sultan, Shrimati Maimoona
Sultan Singh, Shri
Suraj, Prasad, Shri
Swu, Shri Scato
Tariang, Shri Jerlie E.
Thakur Jagatpal Singh
Thakur, Shri Rameshwar
Thangabalu, Shri T.
Valiullah, Shri Raoof
Varadaraj, Shri G.
Verma, Shri Shrikant
Verma, Shri Virendra
Yadav, Shri Hukmdeo Narayan
Yadav, Shri Jagdambi Prasad
Yadav, Shri Ramanand

Noes—Nil

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

MR. DEPUTY CHAIRMAN: Now the House will adjourn for lunch upto two only as I have already announced the voting schedule. I am sorry we shall have to complete our lunch within half an hour.

अब सदन की कार्यवाही दो बजे तक के लिये स्थगित की जाती है ।

The House **adjourned** for lunch at twenty-four minutes past one of the clock.

2 P.M

The House reassembled after lunch at three minutes part two of the clock **The Vice-Chairman (Shri Syed Rahmat Ali)** in the Chair

THE CONSTITUTION (FIFTIETH AMENDMENT) BILL, 1984

THE VICE-CHAIRMAN (SHRI SYED RAHMAT ALI): The Constitution (Fiftieth Amendment) Bill, 1984. Hon. Minister, Shri P. V. Narasimha Rao.

THE MINISTER OF HOME AFFAIRS (SHRI P. V. NARASIMHA RAO): Sir, I beg to move:

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

The Proclamation issued by the President under Article 356 of the Constitution on the 6th day of October, 1983 with respect to the State of Punjab cannot be continued in force for more than one year unless the special conditions mentioned in clause (5) of Article 356 of the Constitution are satisfied. Although the Legislative Assembly is in suspended animation and a popular government can be installed, yet, having regard to the prevailing situation in the State, the continuance of the Proclamation beyond 5th October, 1984 may be necessary. To facilitate the adoption of a resolution by the Houses of Parliament approving the continuance in force of the Proclamation beyond 5th October, 1984, it is necessary to amend Article 356 of the Constitution. It is therefore, preposed to amend clause (5) of Article 356 so as to make the conditions mentioned therein inapplicable for the purpose of the continuance in force of the said Proclamation up to a period of two years from the date of its issue that is, the 6th day of October, 1983. This Bill has been passed by the Lok Sabha on 23rd August, 1984.